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# ORDINANCES

OF THE

## North-West Territories

PASSED IN THE FIFTH SESSION

OF THE

### SECOND LEGISLATIVE ASSEMBLY

*Begun and holden at Regina on the Second day of  
August, and closed on the Seventh day  
of September, 1894.*



HIS HONOUR  
THE HONOURABLE  
CHARLES HERBERT MACKINTOSH,  
LIEUTENANT-GOVERNOR.

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REGINA:

PRINTED BY R. B. GORDON, PRINTER TO THE GOVERNMENT  
OF THE NORTH-WEST TERRITORIES.

1894.







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## NO. 1 OF 1894.

AN ORDINANCE FOR GRANTING TO THE LIEUTENANT-GOVERNOR CERTAIN SUMS OF MONEY TO DEFRAY THE EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORIES FOR THE TWELVE MONTHS ENDING 31st AUGUST, ONE THOUSAND EIGHT HUNDRED AND NINETY-FIVE, AND FOR OTHER PURPOSES RELATING THERETO.

*[Assented to 7th September, 1894.]*

MAY IT PLEASE YOUR HONOR :

Whereas it appears by message from His Honor, Charles Herbert Mackintosh, the Lieutenant-Governor of the North-West Territories, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedule to this Ordinance are required to defray certain expenses of the public service of the Territories, and for other purposes relating thereto, for the twelve months ending 31st August, one thousand eight hundred and ninety-five: May it therefore please Your Honor that it may be enacted and it is therefore hereby enacted by the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, as follows:—

(1) From and out of the fund at the disposal of the North-West Government, there shall and may be paid and applied a sum (not exceeding in the whole) two hundred and seventy-one thousand six hundred and fifty-seven dollars and fifty cents for defraying the several charges and expenses of the public service of

the Territories for the twelve months ending thirty-first August, one thousand eight hundred and ninety-five, as set forth in the Schedule to this Ordinance :

(2) The due application of all moneys expended under this Ordinance shall be duly accounted for.



## SCHEDULE.

Sums granted to the Lieutenant-Governor, by this Ordinance, for the twelve months ending 31st August, one thousand eight hundred and ninety-five, and the purposes for which they are granted.

To defray the expenses of the Government of the North-West Territories for the twelve months ending the 31st August, 1895, as follows:—

SERVICE.	AMOUNT.
Printer to North-West Government.....	\$ 240 00
Auditor's salary.....	240 00
Expenditure under "The Ordinance respecting infectious diseases of animals".....	1500 00
Expenditure under "The Ordinance respecting births, marriages, and deaths".....	1000 00
Expenditure under "The Hospitals Ordinance".....	4000 00
Maintenance of North-west patients in hospitals outside the Territories.....	500 00
Expenditure under "The Liquor License Ordinance, 1891-92" and amendments.....	6000 00
Expenditure under "An Ordinance respecting infectious diseases".....	500 00
Prosecutions and legal proceedings under Ordinances.....	1000 00
Executive Committee.....	5250 00
Books and stationery for clerks and sheriffs.....	150 00
Library insurance.....	67 50
Clerical assistance.....	11160 00
Carried forward.....	\$31607 50

SERVICE.	AMOUNT.
Brought forward.....	\$31607 50
Messengers and caretakers.....	1440 00
Schools .....	114000 00
Stationery, telegrams, postage and tele- phone .....	2500 00
Newspapers and periodicals.....	250 00
Printing and advertising.....	6000 00
Contingencies .....	1000 00
Light and fuel.....	1000 00
Books for library.....	500 00
Transport and supplies for well-boring machines.....	400 00
Roads, bridges, and miscellaneous dis- trict expenditure.....	78000 00
Travelling expenses.....	400 00
Sheriff attending Court-in-banc.....	60 00
Law books for Judges.....	300 00
Inspection of coal mines.....	350 00
Elections for Legislative Assembly.....	20000 00
Maintenance of persons confined under civil process and Ordinances.....	750 00
Aid to statute labor districts and muni- cipalities .....	4000 00
Expenditure under "The Agricultural Societies Ordinance" and amend- ments .....	4000 00
Territorial Exhibition.....	5000 00
Deputy Speaker for Session of 1894....	100 00
	\$271657 50



## NO 2 OF 1894.

## AN ORDINANCE TO AMEND AND CONSOLIDATE AS AMENDED THE ORDINANCES RESPECTING ELECTIONS TO THE NORTH-WEST LEGISLATIVE ASSEMBLY.

*(Assented to 7th September, 1894.)*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

## ISSUE OF WRIT.

1. Every writ for the election of a member of the Legislative Assembly under this Ordinance shall be dated, and shall be returnable on such day as the Lieutenant-Governor determines and shall be addressed to such resident elector of the electoral district in which the election is to be held as the Lieutenant-Governor appoints; and such person shall be the returning officer at the election to which such writ relates.

Issue and return of writ

Provided always that if the person to whom the writ has been addressed refuses, or is unable to act, he shall, under penalty hereinafter provided, forthwith notify the Lieutenant-Governor, by the most speedy means available, of such inability or refusal, when the Lieutenant-Governor shall issue a new writ, addressed to another resident elector of the same electoral district.

Proviso

2. The Lieutenant-Governor shall fix the day and locality for the nomination of candidates at such election, and the day and locality so fixed shall be specified in the writ of election for that electoral district;

Date and place of nomination

**Proviso** (a) Provided always that in the case of a general election the day so fixed shall be the same in the case of every electoral district, except that it may be varied under the proviso of Section 1 and as provided in Section 12 of this Ordinance ;

**Proviso** (b) Provided further that there shall be an interval of at least twenty-one days between the date of the issue of the writ and the day of nomination mentioned therein.

**Form of writ** 3. The writs of election shall be in the form "A" in the schedule to this Ordinance and shall be transmitted by registered post to the respective returning officers, unless otherwise ordered by the Lieutenant-Governor.

#### RETURNING OFFICER.

**Oath of Returning Officer** 4. The returning officer shall, on receiving the writ of election, forthwith endorse thereon the date on which he received the same ; and before taking any further action thereon he shall take the oath of office in the form "B" in the schedule to this Ordinance before a Justice of the Peace, a Notary Public or a Commissioner for taking affidavits for the North-West Territories, and shall forthwith cause a duly certified copy of the same to be forwarded to the Clerk of the Legislative Assembly.

**Election Clerk** 5. The returning officer, by a commission under his hand, and in the form "C" in the schedule to this Ordinance, shall appoint an election clerk and may, at any time during the election appoint in the same manner another election clerk if the one so appointed resigns or refuses or is unable to perform his duties as such clerk.

**Duty of Election Clerk** 6. The election clerk shall assist the returning officer in the performance of his duties and act in his stead as returning officer whenever the returning officer refuses or is disqualified or is unable to perform his duties, and has not been replaced by another.



(a) All the provisions of this Ordinance in regard to returning officers shall apply to election clerks acting as returning officers.

7. The election clerk, before acting as such, shall take the oath of office in the form "D" in the schedule to this Ordinance before the Returning Officer or before a Justice of the Peace, a Notary Public or a Commissioner for taking affidavits for the North-West Territories; and a certificate in duplicate of his having taken said oath shall be delivered to him by the person before whom he has taken it; one copy of which he shall cause to be forwarded to the Clerk of the Legislative Assembly.

Oath of Election Clerk

8. The election clerk, when acting for or in the stead of the returning officer, shall be subject to like penalties as the returning officer for violating any of the provisions of this Ordinance; but this shall not relieve the returning officer from the penalties provided, which may be enforced against him as though the violation were committed by himself.

Responsibility of Election Clerk

#### POLLING DIVISIONS.

9. The returning officer shall,

(a) Fix upon and secure a suitable building in the locality in which the nomination is to be held for use as a hustings with all reasonable speed after receiving the writ of election;

Hustings

(b) Sub-divide the electoral district into as many polling divisions as he deems necessary for the convenience of electors and number them consecutively and give to each a distinctive name. Provided always that no such polling division shall have a greater voting population than 200;

Subdivision of electoral district

Provided further however that if a polling division should include a greater number of voters than 200, the fact shall not be held to invalidate the poll held in that polling division or render the Returning

Officer liable to a penalty; unless it can be shown that one or more duly qualified voters have been deprived of the opportunity to vote by reason of such larger number of voters having been included within the polling division.

Polling places (c) Secure and prepare suitable buildings for use as polling places in each polling division.

School House maybe used (d) The returning officer is hereby vested with authority to take for use as a polling place any school-house, the property of any public or separate school district organized under Ordinance of this Assembly if such school-house is convenient for that purpose. Provided that the school district shall be paid for the use of the school-house such sum as the Lieutenant-Governor may allow.

Proclamation of place and day of nomination, polling divisions, etc. 10. At least eight days before the day fixed in the writ for the nomination of candidates, the returning officer shall provide and cause to be posted up in a conspicuous position in one public place in each polling division which shall be the post-office if there is one, or if there is not, then the store, school or church, if there are any of these. a proclamation in the form "E" in the schedule to this Ordinance, in which proclamation shall be set forth the place, and day specified in the writ of election, at which the nomination is to be held, and also the building or spot to be actually used, the time allowed for the nomination by this Ordinance, and the numbers, names and fully described boundaries of the polling divisions decided upon, and the places at which the several polls shall be held.

Additional polling sub-divisions 11. If a demand is made upon the returning officer in writing at any time before the hour for closing nominations for any additional polling subdivision by any eight electors of such proposed polling subdivision (the polling place of which shall be named in the request, and which shall not be within twenty miles of any polling place already appointed) the returning officer shall set apart as nearly as may be such proposed polling subdivision and appoint the polling place thereof.



## POSTPONEMENT OF NOMINATION.

12. Whenever, from unforeseen accident, delays or <sup>in case of accident</sup> otherwise, the proclamation cannot be posted up so as to leave the required time between the posting up of the proclamation and the nomination day appointed by the Lieutenant-Governor, or whenever any candidate dies after being nominated and before the close of the polls, the returning officer may fix another day <sup>or death of candidate</sup> for the nomination of candidates, which day shall be the nearest day possible after allowing the number of days required by Section 10 between the posting up of the proclamation and nomination day; and in every such case the returning officer shall, with his return, make to the Clerk of the North-West Legislative Assembly, under oath, a special and full report of the <sup>Report of R.O.</sup> causes which occasioned the postponement of the election.

## NOMINATION.

13. At any time after the date of the writ of election and before 12 o'clock noon of the day fixed for the nomination, any four or more electors may nominate a candidate by affirming to and signing before a Justice of the Peace, a Notary Public or a Commissioner for taking affidavits within the Territories, or before the returning officer, and causing to be filed with the returning officer, a nomination paper in the form "F" in the schedule to this Ordinance, and any votes given at the election for any person other than the candidates so nominated shall be null and void. <sup>Mode of nomination</sup>

(a) The time used under this Ordinance shall be the standard time of the Territories, <sup>Standard time</sup> as provided in Section one of Ordinance No 14 of 1893; being the local time at the one hundred and fifth meridian of west longitude and known as Mountain Standard Time on the Canadian Pacific Railway.

14. A nomination paper shall not be valid or be acted upon by the returning officer unless it is accompanied by the consent in writing of the person therein <sup>Consent of nominee</sup>

nominated (except when such person is absent from the electoral district) when such absence shall be stated in the nomination paper, and

Deposit

(a) Unless a sum of one hundred dollars is deposited in the hands of the returning officer at the time the nomination paper is filed with him.

R. O. to give receipt

(b) The returning officer shall give his receipt for the nomination paper and the said receipt of the returning officer shall in every case be sufficient evidence of the production of the nomination paper, of the consent of the candidate and of the payment herein mentioned :

Evidence

Re-nomination of money tendered as deposit

(c) The returning officer shall accept the sum of money hereinbefore mentioned if it is tendered in gold coin ; in Dominion of Canada notes ; or in the notes of any bank chartered by the Parliament of Canada which at the time is redeeming its notes on demand ; or partly in each or any of these ;

Return of deposit

(d) The sum so deposited by any candidate, shall be returned to him in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favor of the candidate elected, as decided in the final recount, but

Forfeiture

(e) If he has not obtained that number of votes it shall be transmitted by the returning officer to the Clerk of the North-West Legislative Assembly and by him deposited to the credit of the General Revenue Fund of the Territories.

#### NOMINATION PROCEEDINGS.

Proceedings on nomination day

15. Every returning officer shall on the day of nomination, and at the place fixed as aforesaid, proceed to the hustings (which shall be at such a place that all the electors may have free access thereto) and at the hour of eleven o'clock in the forenoon shall read or cause to be read publicly the writ of election, and shall forthwith read in an audible voice



the nominations which he has received, and from time to time until twelve o'clock of the day shall so read further nominations as he receives them.

16. At the hour of twelve o'clock the returning officer shall declare the nominations closed and shall announce in an audible voice the names of the several candidates. Close of nomination

17. If at the close of the hour for receiving nominations only one candidate for each vacancy to be filled remains in nomination, the returning officer shall then and there declare the said candidate duly elected and shall take such further proceedings as are hereinafter provided in case of a poll having been held. If only required number nominated, procedure

18. If at the close of the hour for receiving nominations more than one candidate for each vacancy to be filled remains in nomination, the returning officer shall announce the day upon which a poll will be held, and the day, hour and place at which the ballots will be counted, and shall deliver to every candidate, or to any person authorized in writing by the candidate or any of his nominators to act in his behalf, a list of the candidates nominated with the color assigned to each as specified in Section 4, Part 1 of the Schedule to this Ordinance. If more than required number

19. Any candidate nominated may withdraw at any time after his nomination, and before the closing of the poll, by filing with the returning officer a declaration in writing to that effect signed by himself; and any votes cast for a candidate, who shall have so withdrawn, shall be null and void; and in case after such withdrawal there should remain only one candidate then it shall be the duty of the returning officer to forthwith return as duly elected the candidate so remaining. Provided always, that if a candidate withdraw at any time after his nomination he shall forfeit the money deposited by him as provided in Section 14. Withdrawal of candidate  
Forfeit of deposit

#### PROVIDING FOR POLLING.

20. Whenever a poll has been granted, it shall be Day and hours of polling

on the seventh day after the day of nomination, and shall be opened at nine of the clock in the forenoon and kept open until five of the clock in the afternoon of the same day; and the votes at the several polling stations shall be given between the said hours of that day.

Proviso

(a) Provided always that in that portion of the Electoral District of Prince Albert East lying east of Range 20 west of the 2nd Initial Meridian the poll shall be held on the fourteenth day after the day of nomination.

Election Notice; contents and time and place of posting

21. Immediately after having granted a poll the returning officer shall cause to be posted up with all reasonable speed at all places where the proclamation of the election was posted up and at least two days before the day of voting, an election notice setting forth the following information:

(a) The names of the several candidates with the name and a specimen of the color assigned to each, which colors shall be assigned to the candidates in the order of nomination, the order being that specified in Section 4 of Part 1 of the schedule to this Ordinance.

(b) The numbers, names, boundaries and polling places of each polling division as finally amended.

(c) The name of the deputy returning officer for each polling division.

(d) The day and hours of the day on which votes will be received.

(e) The day, hour and place at which the votes will be counted and the return declared.

Form G to be posted

22. The returning officer shall also cause to be posted up near to the aforesaid election notice copies of form "G" in the schedule to this Ordinance, containing information to electors.

## DEPUTY RETURNING OFFICER.

23. For the purpose of taking the votes at an election the returning officer shall appoint in writing a deputy returning officer, who shall be an elector of the district, for each polling division; and shall thereby require the deputy returning officer to open and hold the poll at the time and place fixed in the election notice and according to the provisions of this Ordinance. Deputy Returning Officer—  
appointment  
of  
  
Duties

(a) Every deputy returning officer shall, before acting as such, take and subscribe, either before a Justice of the Peace, a Notary Public or a Commissioner for taking affidavits, or before the returning officer, the oath in form "H" in the schedule to this Ordinance; a certificate in duplicate of the taking of which oath shall be delivered to him by the person before whom he has taken it, one copy of which he shall cause to be filed with the returning officer. Oath  
  
  
Certificate

24. The returning officer shall cause to be supplied to each deputy returning officer at least one day before polling day the books, ballots, ballot boxes, colored pencils, stamps and other material necessary under this Ordinance to the taking of a poll, and shall take the receipt of the deputy returning officer therefor. Supplies for  
Deputy R.O.

Provided that the articles above mentioned may be sent by special messenger who shall act for the returning officer and for whose actions the returning officer shall be responsible, as though the said actions were performed by himself. Proviso

(a) The articles mentioned in this Section and all other articles necessary to the taking of a vote at an election under this Ordinance shall be according to the particulars of description given in Part I of the schedule to this Ordinance, unless otherwise herein provided; or if provision has not been so made, they shall be of such form as the Lieutenant-Governor may direct. Requisites for  
Elections



Forms to be  
supplied to  
Officers

(b) There shall be printed copies of all the forms contained in the Schedule to this Ordinance; and such forms shall be furnished to the several officers, whose duties as defined by this Ordinance require their use in sufficient numbers for use as herein provided.

Proviso

Provided that the several statements contained in form "J" shall be printed separately from each other and shall be furnished to each deputy returning officer in at least the following numbers:—One hundred copies of statement number one, one hundred copies of statement number two and twenty copies of statement number three.

(c) In case any of the copies of proclamation, notices, statements or other forms, or articles such as poll books, ballot boxes, ballots, envelopes, pencils or other materials required under the provisions of this Ordinance are not available or are likely not to be available for use at the time and place required by the Ordinance it shall be the duty of the returning officer, election clerk, deputy returning officer or poll clerk as the case may be to provide such copies of the necessary proclamations, notices, statements or other forms, or articles such as poll books, ballot boxes, ballots, envelopes, pencils or other materials as may be required at the time and place in which he is required to act under the provisions of this Ordinance, as nearly as may be according to the directions given in this Ordinance and in the Schedule thereof.

Poll Clerk, ap-  
pointment of

25 The deputy returning officer shall, before the hour for opening the poll on the election day, appoint over his signature a poll clerk to assist him in taking the votes or to act in his stead if necessary, with all the powers and liabilities of the deputy returning officer who, before acting as such, shall take the oath in form "I" in the schedule to this Ordinance, before the deputy returning officer, the returning officer or a justice of the peace, and a certificate in duplicate of his having taken said oath shall be delivered to him by the person before whom he has taken it, one copy of which he shall cause to be filed with the returning officer.

Oath

Certificate

(a) Every deputy-returning officer and poll clerk appointed under this Ordinance shall be a constable during the day of polling.

26. The deputy returning officer shall provide a <sup>Polling place</sup> polling place suitable to the provisions of this Ordinance within the building mentioned in the proclamation of the returning officer, if that is practicable, and if not, then as nearly thereto as may be, and shall truly inform any elector inquiring of him the locality of such polling place; and at least one hour before the <sup>Form G to be posted</sup> opening of the poll shall cause to be posted conspicuously, both outside and inside the building used as a polling place, copies of the proclamation and information to the electors provided in form "G" in the schedule to this Ordinance, and also the names of himself and his poll clerk.

#### POLLING PLACE.

27. The polling place shall have an outer room <sup>Polling place</sup> suitable for the accommodation of the persons and things required for taking the vote under this Ordinance, and opening therefrom an inner room in which <sup>Two rooms</sup> the voter may mark his ballot, screened from all observation.

(a) Provided that where it is difficult or impossible <sup>Proviso</sup> to secure two rooms as required, a single room divided by a screen or curtain, so that the interior of the two parts shall be completely hidden from each other, shall be sufficient.

28. In the outer room shall be kept the poll book <sup>Outer room</sup> and ballot box.

(a) The poll book shall be open to inspection on demand of any candidate, agent or scrutineer for a reasonable time for the purpose of checking an entry. <sup>Poll Book. inspection of</sup>

(b) The ballot box shall be kept in a conspicuous <sup>Ballot Box. position, etc.</sup> position during the voting, so that the scrutineers may see the ballots as they are dropped in, and it shall not

be touched by any person except the deputy-returning officer or poll clerk acting for him, and then only in the presence of the candidates or of at least one scrutineer or agent for each candidate, if the candidate has such scrutineer or agent acting for him.

Inner room.

29. Except as hereinafter provided no person shall have access to the inner room but the voter who is engaged in marking his ballot.

Contents.

(a) In the inner room shall be pencils and a table suitable for use in marking the ballots; and there shall be posted on the walls a copy of the information to electors provided in form "G" in the schedule to this Ordinance, and of the election notice provided in Section 21 of this Ordinance.

Pencils

(b) In the said inner room of the polling place there shall be only as many pencils as there are candidates, and each pencil shall be of the color assigned to one of the candidates, according to the election notice provided for in Section 21 of this Ordinance; and the full name of the candidate shall be marked plainly on the pencil of the color which has been assigned to him according to the said election notice and each pencil shall be securely fastened to the table provided for use in marking ballots.

Inspection of inner room

(c) On demand of any candidate, agent or scrutineer, he shall be allowed to inspect the inner room of the polling place in the presence of the deputy returning officer or poll clerk, but such inspection may only be made when the said inner room is not occupied by a voter.

To be noted in poll book

(d) The deputy returning officer shall forthwith enter in the poll book the time of inspection, the name of the person demanding it, and any remarks regarding it that the person inspecting may require the deputy returning officer to record.

#### AGENTS AND SCRUTINEERS.

Agent, appointment of

30. Every candidate shall be entitled to be repre-



sented at each polling place by an agent, who shall produce to the deputy returning officer his appointment as agent signed by the candidate, or, in case of his absence from the Territories, by two of the electors nominating such candidate, which shall be filed by the deputy returning officer.

(a) The agent so appointed shall have the right to <sup>Scrutineers,</sup> appoint, over his signature, one or more scrutineers on behalf of his principal.

31. In addition to the deputy returning officer and his poll clerk, each candidate, his agent and one of his scrutineers, or in the absence of the agent, two scrutineers, an interpreter, if one is required, during the time for which his services are required, and no longer, a peace officer if his services are required, and not otherwise, and the voter actually engaged in voting, and no others, shall be permitted to remain in the outer room of the polling place. <sup>Persons allowed in outer room.</sup>

32. The deputy returning officer or his poll clerk, shall, within five minutes before the time appointed for opening the poll, publicly and audibly announce the hour, and shall show to the candidates, their agents or scrutineers, or, in their absence, any electors present who may claim to act for any of the candidates, the ballot box, so that they may see that it is empty, and he shall then in their presence lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal, and shall permit such of the persons mentioned as being permitted to remain in the outer room of the polling place as may desire, to affix their seals, and he shall then place the box in view of all those present and shall keep it locked and sealed. He shall then in presence of the candidates, their agents, or scrutineers, or, in their absence any electors present who may claim to act for any of the candidates, after the same has been examined by them, break the seal on the packet containing the stamp to be used by the deputy returning officer in marking the outside of the ballot papers. <sup>Ballot box to be shown before poll open.</sup> <sup>Procedure thereafter</sup> <sup>Stamp</sup>

## Objections

The deputy returning officer shall then and there enter in the poll book any objections made to the hour of opening or to the place of polling, or the arrangements of the polling place, demanded to be entered either by a candidate or his agent or by any elector.

## QUALIFICATION OF VOTERS.

## Franchise

33. The persons qualified to vote at an election for the Legislative Assembly shall be the male British subjects by birth or naturalization (other than unenfranchised Indians) who have attained the full age of twenty-one years, who have resided in the North-West Territories for at least the twelve months, and in the electoral district for at least the three months, respectively, immediately preceding the time of voting.

## Elector to vote where residing

(a) Except as hereinafter provided, an elector may only vote at the polling place of the polling division in which he is a resident at the time of voting.

## VOTING.

## Mode of voting

34. When a person claiming to be entitled to vote presents himself for the purpose of voting between the hours of nine o'clock in the forenoon and five in the afternoon of polling day, the deputy returning officer shall, without unnecessary delay, cause him to be admitted to the outer room of the polling place and shall further proceed as follows:—

## Particulars

(a) He shall ask from the person desirous of voting (1) his full name, (2) his occupation, (3) his place of residence, and shall cause the answers, which must be made in a voice audible to the scrutineers in the polling place, unless the person be dumb, to be entered in their proper places in the poll book, and each voter or person tendering a vote shall be numbered consecutively.

(b) A scrutineer, or person acting as such, may order the deputy returning officer to require any per-

son tendering a vote to subscribe to statement No. 1 Statement No. 1, form J, to be subscribed by Voter, if required contained in form "J" of the schedule to this Ordinance, after it has been read to him in an audible voice.

(c) A scrutineer, or person acting as such, may order Statement of Voter No. 2 the deputy returning officer to require any person tendering a vote to subscribe to statement No. 2 contained in form "J" of the schedule to this Ordinance after it has been read to him in an audible voice.

(d) If a person tendering a vote is required to sign a statement and does so, the poll clerk shall enter in the poll book after his name and residence the number of the statement made and the name of the person at whose request it was required to be made. Entry of statement

(1) All statements made under sub-sections (b), (c) To be filed (o) and (q) of this Section shall be filed by the deputy returning officer.

(e) If a person who desires to vote refuses or fails to sign a statement when required to do so, the poll clerk shall write after the entry of his name and place of residence in the poll book the words "refused statement No.—" (giving the number of the statement refused by him) and the name of the person at whose request he was required to sign such statement; and the person so refusing or failing to sign such statement, shall at once leave the polling place and shall not enter it again, and shall not be allowed to vote at that polling place. Refusal to subscribe statement

(f) If the person required to sign a statement is unable to sign his name, he shall make his mark which shall be certified by the signature of the deputy returning officer. Statement of marksman

(g) If the person desiring to vote is unable to understand the English language the deputy returning officer shall enter a remark to that effect opposite his name in the poll book and may allow him to retire from the polling place until a competent interpreter can be procured, who shall, after taking the oath pro- Interpreter may be used



Order

vided in form "K" of the schedule to this Ordinance before the deputy returning officer, interpret the proceedings to the voter.

Entry in poll book

(1) When an interpreter is employed his name shall be entered in the poll book with the particulars of the case in which he acted, and any objections that may be made by any of the scrutineers or persons acting as such.

Voter to receive ballot paper

(h) If a person desirous of voting is not required to sign a statement or after he has done so the deputy returning officer or the poll clerk, if he is acting as deputy-returning officer, shall write his own initials and shall make an impression with the stamp provided for that purpose, on the back of one of the ballot papers provided according to this Ordinance and shall hand the same to the voter and shall inform the voter in an audible voice of the names of the candidates and the colors which represent them, and shall direct the voter to go into the inner room and mark the front of the ballot paper, or the face other than that on which the initials of the deputy returning officer and the mark of the stamp appear, in the form of an X with the pencil the color of which represents the candidate for whom he desires to vote, and fold it according to the crease which appears in it so that the said initials shall be on the outside and the mark made by the voter shall be on the inside, first wetting the mucilage so that the ends so brought together shall remain fastened.

Directions to Voter

Marking ballot

(i) The voter shall then go into the inner room of the polling place and shall mark his ballot and, after complying with the directions of the deputy returning officer, shall return to the outer room and hand his ballot to the deputy returning officer, who shall, subject to the provisions of sub-sections (m) (o) and (q), in plain view of the scrutineers drop it into the ballot box.

Voter then to leave

(j) The voter shall leave the polling place as soon as his ballot has been placed in the ballot box and

shall not enter it again unless in the discharge of some of the duties provided in this Ordinance.

(k) The poll clerk shall write the word "voted" in Entry in poll book the poll book after the name and place of residence of every person who has voted as soon as his ballot has been deposited.

(l) When a person voting has been required to sign a statement the deputy returning officer, before receiving from him his marked ballot, shall, if so requested by any person acting as scrutineer of any candidate, serve such person with a notice to appear at a time and place to be named in the notice to answer to a charge of having voted contrary to the provisions of this Ordinance. Voter may be charged with illegal voting

(1) Such notice shall be in form "L" of the schedule Notice. to this Ordinance.

(m) After serving the notice provided in the preceding subsection, the deputy returning officer shall receive the ballot of the person desiring to vote and shall place it in an envelope, and shall securely seal the envelope, and shall write upon it the name and place of residence of the person and his number as it appears in the poll book, the name and number of the polling place and his own name in full, and shall then deposit it in the ballot box. Ballot in such case

(n) The poll clerk shall enter in the poll book, after the particulars hereinbefore provided regarding the voter, in the next line below, a statement of his having been served with a summons to appear, the name of the person at whose request the summons was issued, of the candidate on whose behalf he was acting, and the place, day and hour where the person is required to appear. Entry in poll book

(o) Any deputy returning officer, poll clerk, candidate, agent or scrutineer, who is resident in a polling division other than the one at which he is stationed on the polling day, shall be permitted to vote at the Vote of election Officers how taken

polling station where he is so stationed, provided he produces a certificate of his authority to act in such capacity from the returning officer, deputy returning officer, candidate or agent of a candidate having authority under this Ordinance to appoint him, and after signing statement No. 3 prescribed in form "J" of the schedule to this Ordinance, and a note shall be made of the particulars in the poll book opposite the voter's name.

Statement No. 2 to be subscribed if required (1) On the demand of any scrutineer or person acting as such, any of the persons mentioned herein shall be required to subscribe to statement No. 2 of form "J" before being allowed to vote.

Vote of person unable to mark (2) The provisions of sub-sections (l), (m) and (n) shall apply to cases provided for in this sub-section.

(p) In case of an application by a person claiming to be entitled to vote, who is incapacitated by blindness or other physical cause from marking his ballot paper, the deputy returning officer shall, in the plain view of the candidates or their agents or scrutineers, if present, cause the vote of such person to be marked on a ballot paper for the candidate directed by such person and shall cause the ballot paper to be placed in the ballot box, and shall make a statement of the fact, including the name of the candidate for whom the vote was cast, opposite the voter's name on the poll book.

Person tendering vote under name already voted (q) If a person representing himself to be a particular elector, whose name already appears in the poll book as having voted or as having refused to sign a statement applies to vote, unless the deputy returning officer is aware that the person who already presented himself to vote in that name had a right to do so, and that the person now presenting himself to vote in the same name has also the right to do so, or if directed to do so by any candidate, agent or scrutineer, he shall require him to sign statement No. 1 provided in form "J" of the schedule to this Ordinance and shall enter his name and residence in the poll book and shall give him a ballot paper as provided in subsection (h) of



this Section, and shall, before receiving from him his Procedure marked ballot paper, serve him with a summons in form "L" of the schedule to this Ordinance, and the deputy returning officer shall also cause a similar summons to be served on the person who already voted or applied to vote in that name.

(1) The provisions of sub-sections (m) and (n) of this Section shall apply to cases provided for in this sub-section.

(r) A person claiming to be entitled to vote, who Ballot spoiled before used has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper, on delivering to the deputy returning officer the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the deputy returning officer, shall be given another Procedure ballot paper in the place of the ballot paper so delivered up. The deputy returning officer shall forthwith destroy the spoiled ballot paper in the plain view of the candidates or their agents or scrutineers if present.

#### CLOSE OF POLL.

35. At the hour of five o'clock in the afternoon the Time of close of poll deputy returning officer shall declare the poll closed and shall not allow any more votes to be polled except the vote of the person who may be in some part of the act of voting at that hour.

(a) Immediately after the last ballot, as above Ballot box to be sealed provided, has been placed in the ballot box, the deputy returning officer shall fill up and securely seal the opening in the lid of the box through which the ballots were inserted.

36. Immediately after the closing of the poll the Entry of objections deputy returning officer shall enter in the poll book a certificate that his entries in the poll book are correct and shall also enter any objections that the candidates or their agents or scrutineers may desire to have entered as to the conduct of the poll or as to its hour of closing.

## COUNT BY DEPUTY RETURNING OFFICER.

Opening of  
ballot box and  
papers

37. The deputy returning officer shall then, in the presence of the candidates, or their agents or scrutineers, open the ballot box and shall count the number of ballots contained therein, and shall note separately in the poll book the number of ballots that have been placed in envelopes and the unobjected ballots. He shall then proceed to open the unobjected ballots by breaking the mucilage and shall count the number cast for each candidate according to the color marked upon the face of each ballot paper, and shall enter the result of his count in the poll book.

Count

Spoiled ballots

Provided, that if from any cause the intention of any voter has not been made apparent by the color of the mark or marks on a ballot paper or if the ballot paper is not marked with the initials of the deputy returning officer and the stamp required by subsection (h) of Section 34 such paper shall be considered a spoiled ballot paper and all such ballot papers at each polling place shall be kept separately from the counted ballots, and shall be placed in a securely sealed package.

Discrepancy in  
number of  
ballots.

(a) If the number of ballot papers found in the ballot box does not correspond with the number appearing in the poll book as having been cast, the fact shall be noted in the poll book.

Duty of Dep.  
Ret. O. after  
count.

38. The deputy returning officer shall then return all the ballots to the ballot box and shall place within it a statement signed by himself as deputy returning officer of the name and number of the polling division, the number of ballots cast at that polling place according to the poll book and the number of ballots actually contained in the ballot box. He shall then securely lock and seal the same, in the presence of the candidates, or their agents or scrutineers, or in their absence any electors present, and shall make out a statement in duplicate, one copy of which he shall keep, and shall transmit the other to the returning officer showing (1) The total number of votes cast, (2)

the total number of the unobjected ballot papers cast for each candidate, (3) the number of spoiled ballots, (4) the number of those the rightfulness of which is in dispute, with the several names and numbers appearing in the poll book of the voters who vote is disputed, which names and numbers appear on the envelopes containing the ballots, and the grounds on which each is disputed, and by and on behalf of whom, a copy of which statement he shall deliver on demand to any candidate, agent or scrutineer.

39. The deputy returning officer shall forward to the returning officer, by such means as may have been directed by the returning officer, by securely sealed packet with the ballot box, the authority under which he acted as deputy returning officer, the name of his poll clerk and the authority under which he acted, the names of the agents and scrutineers representing each candidate, with the authority under which they acted and the statement provided for in the preceding Section, together with all other documents relating to the election which have been filed with or by him, and materials used by him except the affirmations made and the poll book.

Deputy R.O. to  
make return  
to R.O.

#### COURT OF REVISION.

40. At the time and place mentioned in the notice served upon any voter, as provided in sub-sections (l) (o) or (q) of Section 34 of this Ordinance, which time shall be as soon as may be, and the place the building used as a polling place or another building as near thereto as may be, the deputy returning officer, sitting with a Justice of the Peace whom he shall select or such Justice as may have been appointed to sit with him by the Lieutenant-Governor-in-Council shall hear and dispose of any objections to the right of any voter, of which notice was given during the polling day as provided in sub-sections (l), (o) or (q) of Section 34 of this Ordinance.

Time, place,  
and numbers  
of Court of  
Revision

Functions

(a) The deputy returning officer sitting with such justice of the peace, as above provided, shall constitute



a court of revision within the meaning of this Ordinance.

Powers of  
Court

41. The court of revision shall, for the purpose set forth in the preceding Section, have all the powers of a court of record as to compelling the attendance of witnesses and their examination, the production of books and documents, and the taking of evidence under oath before it, at any sittings held by it, and such court shall have generally for the purposes aforesaid all the powers of any court of record in the Territories

Compelling at-  
tendance of  
witnesses,  
production  
of documents,  
etc.

42. The court of revision or either of the members thereof shall, on the application of any person who is supporting or opposing any objection, complaint or application, which is to be considered at any of the courts or sittings hereinbefore provided for, issue a summons in the form "M" in the schedule to this Ordinance, directed to any person required by such applicant as a witness thereat, commanding such person to attend at such court or sittings, and also commanding such person to bring any papers or articles in the possession or power of such person as may be required, and to give evidence at such court or sittings relating to any matter connected with any such objection, complaint or application; and in the event of such persons not so attending, after being served with such summons and paid or tendered with such summons his proper witness fees according to the scale allowed in form "N" of the schedule to this Ordinance, the court of revision may punish such person as for contempt of a court of record.

Deposit to pay  
witness fees.

(a) Before any order is issued requiring the attendance of a witness at the court of revision the person desiring the attendance of such witness shall furnish the deputy returning officer with such sum of money as will be sufficient to pay the fees of said witness as provided in form "N" of the schedule to this Ordinance.

Right of voter  
to fees

(b) The person, whose right to have voted is the subject of objection, shall not be paid witness fees until the court decides that he had a right to vote.

(c) If the person, whose right to vote is the subject of enquiry, fails to appear personally or by agent according to the notice received by him on polling day, his vote shall be held to be void and he shall be liable for the costs of all witnesses summoned in respect of his case. Default of appearance by voter.

(d) If at any time the person at whose request the enquiry as to the rightfulness of any vote is being held notifies the deputy returning officer over his signature that he wishes the enquiry to cease it shall cease forthwith and he shall pay all fees of witnesses summoned by the court of revision, and the expenses of summoning such witnesses up to the time at which he gave notice that the enquiry should cease. Withdrawal of complain

(e) In the case provided in sub-section (g) of Section 34 of this Ordinance the deputy returning officer shall furnish the necessary fees which shall be chargeable to the general expenses of the election, if not recovered from either of the parties whose right to vote is the subject of enquiry. Witness fees where not recoverable

(f) In the case of proof of naturalization of the voter being required the necessary fee for procuring a copy of the certificate from the clerk of the court or other officer before whom the proceedings for naturalization were taken shall be deposited in the hands of the deputy returning officer by the person requiring such proof to be forwarded to the said clerk or other officer, and if the certificate is not produced the fee so paid shall be charged to the person whose certificate was required to be produced in addition to the costs provided in Section 44 of this Ordinance. Naturalization cost of proof of

43. Whenever it is impossible to hold the enquiry into the qualification of voters as stated in the summons issued on polling day or to conclude the enquiry on the day stated in such summons, the court of revision shall cause the sitting to be adjourned from day to day until the enquiry is concluded. Adjournment of Court

44. The parties to any application, as aforesaid, be-

Appearance by counsel fore a court of revision may appear by an agent and the said court may award costs to or against any party to the application, which costs shall only be for witness fees and expenses of summoning witnesses, according to the scale of fees provided in form "N" of the schedule to this Ordinance, and the said costs may be levied by order of the said court by distress in the same manner as distress is leviable upon a warrant on a conviction under the Act respecting summary proceedings before justices of the peace.

Costs, Expenses of Court (a) The expenses of holding the court of revision shall be charged as a part of the general expenses of the election.

Return by Court of Revision 45. The court shall make a return of the decisions reached by it on the qualifications of the several voters, whose right to vote is the subject of dispute and shall forward such return to the returning officer duly certified by both members of the court of revision, together with the poll books and affirmations pertaining to the election.

Provision in case of disagreement. (a) Provided that in case the members of the court of revision fail to agree, the full copy of the evidence, certified to by both members of the court, shall be forwarded to the returning officer, who shall render a decision.

Decision of R. O. 46. As soon as may be after the arrival of the returns the returning officer shall render his decision regarding any ballot upon which the court of revision has failed to agree.

Appeal (a) This decision shall be subject to appeal as if rendered by the court of revision.

#### APPEALS.

Examination of paper by candidates 47. As soon as the returning officer has received from any deputy returning officer the papers mentioned in Section 45 of this Ordinance, he shall, on demand, permit their examination by the several candi-



dates or their agents and shall furnish to each candidate or his agent a certified copy of any such documents as they may demand.

48. Appeals against the decisions of the court of revision may be entered with the returning officer by any candidate or his agent, or by any person whose vote has been disallowed, at any time up to the hour of commencing the count of the ballot. Time for appeal

(a) Provided that no appeal shall be received by the returning officer unless the sum of \$10.00 is deposited with him as security for the costs of the prosecution of such appeal. Security for costs

#### COUNT BY RETURNING OFFICER.

49. The returning officer shall have the custody of the ballot box from the time it leaves the hands of the deputy returning officer and shall be subject to the penalty provided in Section 74 of this Ordinance if it is opened by himself or any other person until the day and hour appointed for the counting of the vote. Custody of ballot box

50. The returning officer, at the place and on the day and hour mentioned by him in his announcement on nomination day that a count would be held, shall appear and produce the poll books, statement sheets of the deputy returning officers, statement of the court of revision showing the result of the objections made before it to the validity of any votes cast, and the ballot boxes of the several polling places. Production of books, etc., at time fixed for count

(a) Provided that if the final returns have not been received on the day appointed, he may adjourn the count until a future day and may again adjourn from day to day until the returns arrive. Adjournment of count

51. The returning officer shall provide himself with a suitable book to be called a record book in which he shall enter the particulars required by this Ordinance to be kept on record. Record book

The count      52. The returning officer shall begin with polling place No. 1 and shall note in his record book the number of ballots shown by the deputy returning officer's report to have been cast. He shall then open the ballot box and count the number of ballots contained therein.

Discrepancy in number      53. If the number is not the same as that mentioned in the return of the deputy returning officer, he shall make a note of the fact.

Count (1) appealed ballots      54. He shall first count and keep separately those ballots regarding which an appeal has been finally entered, entering the names, numbers, and full particulars in his record book.

(2) Illegal ballots not appealed      55. He shall then count and keep separately in a sealed package the ballots which the court of revision have decided were illegally cast which are not the subject of appeal, making a full record of the same in his record book, and the said ballots without being removed from their envelopes shall be destroyed by fire at the close of the count in the presence of the candidates or their agents if present.

(3) Good ballots      56. He shall then count without examination and place in an open vessel the ballots which have been already counted by the deputy returning officer, and shall enter the number in his record book.

(4) spoiled ballots      57. He shall then count the spoiled ballots and enter the number in his record book and shall examine them and shall place such as he considers make apparent the intent of the voter and have been properly initialed and stamped by the deputy returning officer among the ballots already counted by the deputy returning officer and shall enter the number in his record book, and shall keep separately and place in a securely sealed package those which he considers do not make apparent the intent of the voter or are not properly initialed or stamped and shall enter the number in his record book.

58. He shall then open the envelopes containing the

ballots whose validity has been sustained by the court of revision and against which no appeal has been entered as provided in Section 48 of this Ordinance, and after opening each such ballot without examination and placing it amongst the unobjected ballots, shall enter the facts in full in his record book.

(5) Ballots appealed and sustained

59. The returning officer, after mixing the ballots so that those put in last shall not be distinguished, shall proceed to open and count them for each candidate.

Count of votes

60. In case a ballot is so marked that it is difficult or impossible to distinguish for which candidate it was intended to be counted, it shall not be counted and shall be placed with the ballots which do not make apparent the intent of the voter, mentioned in Section 57.

Ballots that are illegibly marked.

61. When all the ballots contained in the ballot box have been counted, the returning officer shall announce the result and shall record the same in his record book and shall proceed to seal up in separate parcels the counted ballots and the spoiled ballots, and these parcels with the ballots still the subject of appeal shall be returned to the ballot box, which the returning officer shall seal so that it cannot be opened without breaking the seal, and the candidates or their agents shall also be permitted to similarly affix their seals.

Announcement of results

Disposition of ballot paper

62. The returning officer shall then proceed similarly with the ballot box and returns of the second polling station, and so on until all the ballots cast in the electoral district have been disposed of as provided.

Of ballot boxes and returns

#### DECLARATION OF ELECTION.

63. The returning officer shall then declare elected the candidate for whom the largest number of ballots have been counted and shall deliver to all the candidates or to the agent of any candidate who may be present, if the candidate is not present, a written statement declaring the said candidate duly elected: and such statement shall specify the number of ballots

Statement declaring of election.

Contents



counted for each candidate, the number of spoiled ballots and the number still the subject of appeal.

Casting vote

(a) In case of a tie the returning officer shall give a casting vote, which shall be entered in his record book.

64. The returning officer shall then,

Final duties of  
Returning  
Officer

(a) Cause all the ballot boxes and poll books to be placed in the custody of the Sheriff of the Judicial District in which the declaration of such election is held, and when all proceedings in any way affecting the election are concluded the sheriff shall return the ballot boxes to the clerk of the Legislative Assembly.

(b) Hand over to the Sheriff all monies received by him as security for the costs in the prosecution of any appeals against the decision of the court of revision.

(c) Notify the Clerk of the Supreme Court for the Judicial District, in which the electoral district is situated, of any appeals that have been entered against any decision of the court of revision.

(d) Forward to the Lieutenant-Governor the writ of election with all the books, papers, affirmations, materials, etc., which have been returned to him, except such as have been placed in the Sheriff's hands, as above provided.

#### TRIAL OF APPEALS.

Appeals to  
Judge

65. The Judge of the Supreme Court for the Judicial District, in which the electoral district is situated, shall forthwith hold an enquiry into the validity of the ballots cast regarding which appeals have been made and shall sit at such times and places as may be most convenient for the purpose of hearing the evidence in each particular case, and the provisions of Sections 40 to 45 shall *mutatis mutandis* apply to this enquiry.

(a) The ballot boxes, poll books, and other materials or forms used at the polling place at which the

vote appealed against was cast shall be subject to the order of the Judge during the trial of the appeal.

66. The costs to be allowed in the case of such enquiry shall be according to form "O" of the schedule to this Ordinance and shall be chargeable in the first place to the sum placed in the hands of the Sheriff of the Judicial District. <sup>Costs</sup>

(a) Provided that the Judge may, instead thereof, <sup>Proviso</sup> assess the costs or a part thereof against the person whose vote was appealed against if the appeal is sustained.

67. When the sum of \$10, provided for in Section 48, has been applied in costs the Judge may, from time to time, require the deposit of a further sum which shall be fixed by him according to the probable expenses of the case by or on behalf of the appellant before continuing the proceedings. <sup>Further deposit</sup>

(a) Provided that if, at the conclusion of all the <sup>Proviso</sup> cases tried, a part of the said sum deposited remains in the Sheriff's hands, it shall be returned to the person depositing the same.

(b) Provided further that if at any time the appellant notifies the Judge over his signature of his desire to withdraw an appeal the proceedings in that appeal shall forthwith cease; and the balance of the money deposited by the appellant after payment of the costs of the court up to that time shall be returned to him. <sup>Withdrawal after appeal</sup>

#### COUNT OF APPEALED VOTES BY JUDGE.

68. After the Judge has concluded his enquiry as to the appeals regarding the validity of votes cast, which have been brought before him in regard to the election in any electoral district, and rendered his decisions, unless a recount has been demanded, he shall <sup>Duty of Judge after appeals heard</sup>

(a) Open a ballot box containing ballots which have <sup>Remove appealed ballots</sup>

been the subject of appeal before him and remove such ballots only.

Destroy unlawful ballots

(b) Destroy, without opening the envelopes, the ballots which he has decided were unlawfully cast.

Open lawful ballots

(c) Open the envelopes containing the ballots which he has decided were lawfully cast, and taking out the ballots place them together in a vessel, without examining them.

Count of Vote

(d) Open and count the ballots which have been cast for each candidate, rejecting only such as do not make apparent the intent of the voter.

Counted ballots

(e) Return the ballots which he has counted to the ballot box and securely lock and seal the same.

(f) Proceed similarly with each of the ballot boxes of the electoral district containing ballots which have been the subject of appeal.

Record of Vote

(g) Record the number of ballots the objection to which he has sustained, the number cast for each candidate, and the number rejected as not having made apparent the intent of the voter.

Count of appealed ballots

(h) Add to the total vote received by each candidate according to the return made by the returning officer the number of appealed ballots which he has decided have been cast for each candidate.

Declaration of Election

(i) Declare elected the candidate who has received a majority of all the ballots counted by himself and by the returning officer.

Certify result to Clerk of Legislature.

(j) Certify in writing to the Clerk of the Legislative Assembly the name of the candidate or candidates declared elected by him upon his count of appealed ballots as herein provided, and upon such certificate being given (unless a recount has been demanded) such declaration shall be final and conclusive to all intents and purposes, subject to the provisions of Chapter 5 of the Revised Ordinances, 1888.

(1) Provided that if a tie has occurred at the count by the returning officer, and the returning officer has given a casting vote such vote shall not be counted unless a tie occurs again in the count by the Judge, in which case the vote of the returning officer shall be counted for the candidate for whom it was cast. Provided in case of a tie

Provided further that if a tie has not occurred at the count by the returning officer and does occur at the count by the judge the returning officer shall then give a casting vote. Further

#### RECOUNT BY JUDGE.

69. Upon any candidate or his agent placing in the hands of the Sheriff of the Judicial District mentioned in Section 64 of this Ordinance the sum of \$50 with a demand for a recount of the ballots cast in one or more polling divisions, the Judge of the Supreme Court for the Judicial District, shall after having disposed of any appeals regarding the validity of ballots that may have come before him, hold a recount. Demand of recount

(a) Provided that an application for a recount shall not be entertained unless such application is accompanied by \$50.00, as provided in this Section, and is made within thirty days after the declaration of election by the returning officer, if no appeals have been made from the decision of the court of revision to the Judge, and if any such appeals have been made, then within thirty days after the Judge has given his decision regarding such appeals. Deposit for and time of recount

(b) The money deposited with a demand for a recount shall be disposed of by order of the Judge in defraying the necessary expenses of holding the recount and the remainder, if any, shall be returned to the person who deposited it. Disposition of deposit.

(c) The ballot boxes, poll books and other materials or forms used at the polling place respecting which the demand for a recount has been made, shall be subject to the order of the Judge during such recount. Ballot boxes, etc.



Notice of  
recount.

70. The Judge shall, at the time and place appointed by him by public notice given seven days before, in the presence of such of the candidates or their agents, appointed as such in writing, as may be present, open one of the ballot boxes regarding which a recount has been demanded and shall count the number of ballots contained therein and shall note the number in a book and shall place the ballots in an open vessel.

Procedure  
thereat

Examination  
and count of  
ballots

71. The Judge shall then proceed to examine and count ballots for the several candidates as it shall appear to him to have been the intent of the several voters marking the ballots, rejecting only those by which the voter has not made his intent apparent, or which have not been properly initialed or stamped.

Disposition of  
ballots and  
boxes

72. The Judge shall enter in a suitable book the number of the polling divisions and the particulars regarding the ballots examined as required by Section 73 of this Ordinance and shall then return the ballots to the ballot box from which they were taken and shall securely lock and seal the same; and shall cause it to be returned to the custody of the sheriff or deputy sheriff of the Judicial District in which the electoral district is situated.

(a) He shall then proceed similarly with each of the other ballot boxes regarding which a recount has been demanded.

Poll may be  
declared in-  
valid.

73. If the Judge in making a recount of the votes cast in any polling division finds a difference between the number of ballots counted and the number of votes cast, or that one or more ballots have been defaced or improperly stamped or initialed or that one or more of the ballots counted have been cast by a person who had not the right to vote according to the provisions of this Ordinance, as decided by the court of revision or appeals therefrom, or from the records contained in the poll book of the polling division, or in the record book of the returning officer in respect of such polling division and such evidence in respect thereof as may be received by him under oath,

When.

that the conduct of the poll was not in accordance with the provisions of this Ordinance and was such as to prevent a full and fair vote of the voters of the polling division, he may refuse to include the votes cast at the polling place of that polling division in his final statement and may declare the poll held in such polling division to be invalid.

74. The Judge may receive evidence under oath regarding any of the matters mentioned in the preceding Section and may summon such witnesses and cause the production of such documents and materials as he may think proper respecting such matters and generally shall have all the powers pertaining to a Judge of the Supreme Court sitting as such. Evidence.

75. If the Judge decides that the poll held in any polling division was invalid as provided in Sections 73 and 74 of this Ordinance, he shall forthwith notify the clerk of the North-West Legislative Assembly to that effect. Notification of invalid poll.

76. Upon notice being received as above provided that the poll held in any polling division was invalid the clerk of the North-West Legislative Assembly shall order another poll or polls to be held in the said polling division on such day as he may appoint. Further poll.

77. The clerk of the North-West Legislative Assembly shall be the returning officer for the election to be held in such polling division as provided in the preceding Section and may subdivide the polling division into two or more polling divisions if required by the provisions of the first part of sub-section (b) of Section 9 of this Ordinance. Returning Officer.

78. The provisions of this Ordinance from the beginning of Section 21 to the end of the Ordinance shall *mutatis mutandis* apply to a vote held in any polling division under the provisions of Section 76 of this Ordinance. Application of other provisions.

79. The costs of the recount and subsequent pro- Costs.

ceedings beyond the amount of the deposit required by Section 69 of this Ordinance shall be charged to the general expenses of the election, according to such regulation as to fees and otherwise as may be prescribed from time to time by the Lieutenant-Governor-in-Council.

Recount con-  
tinued.

80. The recounts shall not be deemed to have closed and the statement provided for in Section 81 of this Ordinance shall not be made until the election proceedings as provided in Sections 76, 77, 78 and 79 of this Ordinance have been completed.

Statement by  
Judge

81. The Judge shall prepare a statement showing the total number of ballots which the return of the returning officer and the records of the count of appealed ballots, if such has been held, showed should be counted in the several classes in which they are comprised, the number of ballots actually counted by him, the number rejected and the number counted for each candidate, with a declaration of the election of the candidate receiving a majority of the votes cast, which candidate shall forthwith be held to be duly elected. And such Judge shall thereupon certify in writing to the clerk of the Legislative Assembly the name of the candidate or candidates declared elected by him on such recount; and upon such certificate being given such declaration shall be final and conclusive to all intents and purposes, subject to the provisions of Chapter 5 of the Revised Ordinances, 1888.

His certificate

In case return  
altered  
liability on  
on person  
first returned.

(a) Provided that, in case a candidate declared elected by the Judge is other than the one declared elected by the returning officer, no penalty or damages shall be incurred by the person at first declared elected by reason of any act done by him as duly elected representative of the electoral district.

In case of a tie

(b) Provided also that, in case of there having been a tie at the first count by the returning officer, the Judge shall not count the vote of the said returning officer in making his final recount unless there shall have been a tie again, in which case the vote of the

returning officer shall be counted as having been cast for the candidate for whom it was cast by himself at the first count.

## PENALTIES.

82. Any person appointed as returning officer, election clerk, deputy returning officer or poll clerk, <sup>Penalties: R. Officer or poll clerk</sup> who fails to carry out any of the duties imposed upon him by this Ordinance or who contravenes any of its provisions shall be liable to a fine not exceeding \$500.00 and costs or to imprisonment for a term not exceeding one year, or both.

(a) Any deputy returning officer or poll clerk, or any other person who uses the stamp mentioned in sub-section (h) of Section 34 of this Ordinance, to mark any ballot paper other than the one handed to the voter by the deputy returning officer or poll clerk, as provided in the said sub-section (h) of Section 34, shall be subject to the penalty provided in the first <sup>Improper use of stamp.</sup> part of this Section: and in any proceedings taken hereunder, proof that any ballot paper has been stamped other than as provided in said sub-section (h) of Section 34 shall be held to be prima facie evidence that such ballot paper was stamped by the deputy returning officer, or if the poll clerk was acting for the deputy returning officer, then by such poll clerk. <sup>Penalty.</sup>

(b) If any person who fails to return to the deputy returning officer the ballot paper handed to him by the deputy returning officer as provided in sub-section (h) of Section 34 of this Ordinance, or who hands to the deputy returning officer to be placed in the ballot box any paper other than the ballot paper as provided in the said sub-section (h) of Section 34, or who by any means places, or causes to be placed in the ballot box any ballot paper other than as provided in the said sub-section (h) of Section 34, or who by any means takes, or causes to be taken, from a ballot box any ballot paper except as directed under the provisions of this Ordinance, or who defaces or destroys any ballot paper after its having been initialed <sup>Improper conduct of voter</sup> <sup>Penalty.</sup>



or stamped by the deputy returning officer, except as provided in sub-section (r) of Section 34 of this Ordinance, shall be liable to the penalty provided in the first part of this Section.

**Other persons** 83. Any other person, other than those mentioned in the preceding Section, who contravenes any of the provisions of this Ordinance or attempts in any way to hinder its provisions from being carried out, shall be liable to a fine not exceeding \$100.00 and costs or to imprisonment for a term not exceeding three months, or both.

**Discrepancy in No. of ballots** 84. If the number of ballots found in the ballot box of any polling division at the count by the deputy returning officer is not the same as the number shown by the poll book of that polling division to have been cast, the deputy returning officer and poll clerk shall each be liable to a fine of \$100 and costs, or to imprisonment for a term not exceeding three months, or both.

**Penalty.**

**Proviso.** Provided however, if during the trial of the complaint, it can be shown that the discrepancy was caused by some person or persons other than the deputy returning officer or poll clerk, they may be relieved from the aforesaid penalty, or any part thereof.

**Corrupt practices** 85. Any person who makes any threat or offers any corrupt inducement to any person with a view of inducing him to vote or to refrain from voting or to contravene any of the provisions of this Ordinance, shall be liable to a fine not exceeding \$100.00 and costs or to imprisonment for a term not exceeding three months, or both.

**Violation of secrecy of ballot.** 86. Any person who attempts to violate the secrecy of the ballot by marking a ballot in a peculiar manner or by showing it to any one after its being marked or instigating any voter to peculiarly mark or to show his marked ballot, shall be liable to a fine not exceeding \$100.00 and costs or to imprisonment for a term not exceeding three months, or both.

87. Any person, who has voted more than once at

any election under this Ordinance or who in offering himself as a voter has represented himself to be another person, shall be liable to a fine of \$100.00 and costs or to imprisonment for a term not exceeding six months, or both.

88. Complaints may be laid in the above cases before any two justices of the peace or before any Judge of the Supreme Court and shall be decided summarily.

89. Ordinances No. 21 of 1892 and No. 4 of 1893 are hereby repealed.

90. This Ordinance may be cited as "The Territories Elections Ordinance."

## PART 1.

## BALLOT PAPER.

1. The ballot paper used at all elections under the provisions of this Ordinance shall be of white color, of good cardboard, measuring an inch by two inches, having a crease cut half way through the cardboard midway between the two ends on the side which shall be used as the back of the ballot paper; and on the front of the ballot paper at one end and on one side mucilage shall be placed, so that when the mucilage is wetted and the ballot paper folded according to the crease appearing on the back, the mucilage will cause it to remain folded.

## BALLOT BOX.

2. The ballot box shall be of metal or wood, and shall be a cube of not less than six inches on the outside, except that the lid may project half-an-inch over the box on the side at which it is locked.

**METAL.**—If the ballot box is made of metal, the four sides and bottom shall be joined together by a folded joint so as to be perfectly water-tight. The lid shall be fastened to the box at one of the sides by a hinge or hinges, which shall be securely riveted and soldered or brazed to both the lid and the box. On the outside of the box opposite the hinges shall be fastened a metal staple in such a manner that it can only be removed by cutting it off or by cutting away part of the box. On the same side of the lid shall be two corresponding staples fastened as above provided, so that when the box is closed the hook of a padlock may pass through all three of the staples, so that hold the lid of the box tightly and securely closed.

**WOOD.**—If the ballot box is made of wood, the sides shall be fastened together with rivets, and the hinges shall be fastened on with the same, so that the sides cannot be taken apart or the hinges taken off without cutting the rivets or cutting away the wood of the box. The staples necessary to securely fasten the lid of the box, as provided in the case of metal ballot boxes, shall be riveted in their places so that they cannot be removed without cutting the rivets or cutting away the wood of the box.

**OPENING.**—There shall be an opening in the lid of the ballot box one and one-quarter inches in length by one-quarter of an inch in width, through which opening the ballots shall be placed in the box, and there shall be no other opening in the material of which the box is composed when the lid is closed. There shall be provided a piece of cork or wood to completely fill the opening, and <sup>ing</sup> wax to securely seal over the opening as soon as the poll has been closed.

**PADLOCK.**—There shall be a padlock provided for each ballot box used at any election, and each padlock shall differ from every other one used at that election, so that the key used for one lock will not open any other lock used on a ballot box at that election; and only one key for each padlock shall be forwarded to any returning officer.

**NAMES.**—The name of the electoral district and the name and number of the polling division at which the ballot box is used shall be plainly painted or otherwise securely marked on it, so that it may be easily distinguished from the ballot box of any other polling place.

#### ENVELOPES.

3. The envelopes required for the purpose of enclosing disputed ballots shall be one and one-quarter inches in breadth by two inches in length, and shall be of paper sufficiently tough so that in writing upon the sail envelopes the particulars required by this Ordinance the pen or pencil used may not penetrate or tear the paper. The envelopes shall be made with one end open and with a flap at that end upon which there shall be mucilage, so that by wetting the mucilage and folding the flap over, as with an ordinary envelope, the envelope will remain closed.

#### PENCILS.

4. The pencils used under the provisions of Sections 24 to 34 inclusive of this Ordinance shall be of color as follows in each electoral district:—If there are two candidates the colors shall be blue and red, if three black shall be added, if four green shall be added, if five pink shall be added, if six yellow shall be added; and if there are more than six, such additional colors of pencils shall be provided as the Lieutenant-Governor may direct.

The handle of each pencil shall be of wood and shall not be less than six inches long or less than half an inch square. On three sides the wood shall be painted of the same color as the coloring matter of the pencil and on the fourth side shall be plainly marked the name of the candidate who is represented by the color of the pencil. The coloring matter of the pencil shall be inserted securely in the handle so that it cannot be removed without cutting or breaking away the wood.

#### STAMPS.

The stamp used under the provisions of Section 24 and Sub-section (h) of Section 34 shall be made of rubber or other similar material, and shall be of a design differing in form for each general election: The stamps to be forwarded to each returning officer, in a separate packet securely fastened so that it will be impossible to discover design of stamp without breaking the seal on the packet, and each packet shall have an impression in sealing wax of the official seal of the Lieutenant-Governor.





## FORM A.

*Writ of Election. (Sec. 1)*

To \_\_\_\_\_ of \_\_\_\_\_ in the North West  
 n the Electoral District of \_\_\_\_\_ Territories;

Whereas His Honor the Lieutenant - Governor of The North-West Territories, has seen fit under and by virtue of the provisions of "The North-West Territories Act" and the amendments thereto, and of "The Territories Elections Ordinance" to order the issue of a Writ of Election for the said Electoral District of \_\_\_\_\_, addressed to you, whom he has been pleased to select to perform the duties of Returning Officer.

You are therefore commanded that you do cause election to be made, according to law, of \_\_\_\_\_ Member \_\_\_\_\_ to serve in the Legislative Assembly of the North-West Territories for the said Electoral District of \_\_\_\_\_; that you do cause the nomination of candidates at such election to be held at \_\_\_\_\_ in said Electoral District on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ next; and that you do cause the name of such member, when so elected, to be certified to me.

Given under my hand at Regina in the said North-West Territories this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.  
 (Signed) \_\_\_\_\_

.....  
 Clerk Legislative Assembly, North-West Territories.

## ENDORSEMENT.

Received the within writ on the \_\_\_\_\_ day of \_\_\_\_\_  
 189 \_\_\_\_\_

(Signed) \_\_\_\_\_

A. B.,  
 Returning Officer.

## FORM B.

*Oath of Returning Officer. (Sec. 4.)*

I, the undersigned A. B., Returning Officer for the Electoral District of \_\_\_\_\_, solemnly swear (or, *if he is one of the persons permitted by law to affirm in civil cases*, solemnly affirm) that I am legally qualified according to law to act as Returning Officer for the said Electoral District of \_\_\_\_\_, and that I will act faithfully in that capacity, without partiality, fear, favor, or affection. So help me God.

(Signature)

A. B.,

Returning Officer.

*Certificate of Returning Officer having taken Oath of Office.*

I, the undersigned hereby certify that on the \_\_\_\_\_ day of the month of \_\_\_\_\_ 18\_\_\_\_, A. B., the Returning Officer for the Electoral District of \_\_\_\_\_, took and subscribed before me the oath (or affirmation) of office, in such case required of a Returning Officer, by Section four of "The Territories Elections Ordinance."

In testimony whereof I have delivered to him this certificate.

(Signature)

C. D.

Justice of the Peace.

## FORM C.

*Commission of an Election Clerk. (Sec. 5.)*

To E. F. (*set forth his legal addition and residence.*)

Know you that in my capacity of Returning Officer for the Electoral District of \_\_\_\_\_, I have appointed and do hereby appoint you to be my Election Clerk, to act in that capacity according to law, at the approaching Election for the said Electoral District of \_\_\_\_\_, which elec-

tion will be opened by me on the \_\_\_\_\_ day of the month of \_\_\_\_\_

18

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ in the year 18 \_\_\_\_\_

(Signature)

A. B.,

Returning Officer.

## FORM D.

*Oath of Election Clerk. (Sec. 7.)*

I, the undersigned, E. F., appointed Election Clerk for the Electoral District of \_\_\_\_\_, solemnly swear (or if he is one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully in my said capacity as Election Clerk, and also in that of Returning Officer if required to act as such according to law, without partiality, fear, favor, or affection. So help me God.

(Signature)

E. F.,

Election Clerk.

*Certificate of Election Clerk having taken the Oath of Office.*

I, the undersigned, hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, E. F., Election Clerk for the Electoral District of \_\_\_\_\_, took and subscribed before me the oath (or affirmation) of office required in such case, of an Election Clerk, by Section seven of "The Territories Elections Ordinance."

In testimony whereof I have delivered to him this certificate under my hand.

(Signature)

C. D.,

Justice of the Peace, or

A. B.,

Returning Officer.



## FORM E.

*Proclamation of Returning Officers. (Sec. 10.)*

## PROCLAMATION.

Electoral District of \_\_\_\_\_ to wit :  
 Public Notice is hereby given to the Electors of the Electoral District aforesaid, that in obedience to a writ of Election to me directed and bearing date the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, I require the presence of the said electors at *(here describe with reasonable certainty the building or place where the nomination is to take place)* in the \_\_\_\_\_ of \_\_\_\_\_, in said Electoral District, on the \_\_\_\_\_ day of the month of \_\_\_\_\_ 18\_\_\_\_, from eleven o'clock in the forenoon until twelve o'clock noon, for the purpose of nominating a person (or two or more persons, *as the case may be*) to represent them in the Legislative Assembly of the North-West Territories: and that in case more than one candidate remains *(or in case where more than one person is required to be elected for such Electoral District, more than the required number of candidates remain in nomination)* the poll will be opened and held on the \_\_\_\_\_ day of the month of \_\_\_\_\_ 18\_\_\_\_, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon in each of the following polling divisions, that is to say :—

For the polling division No. 1, consisting of, *(or bounded as follows, or otherwise describing it clearly)* at \_\_\_\_\_ *(clearly describing the polling station).*

*(And so continuing for all the other polling divisions in the Electoral District :)*

Of which all persons are hereby required to take notice and govern themselves accordingly.

(Signature)

A. B.,

Returning Officer.

## FORM E.

*Nomination Paper. (Sec. 13.)*

We, the undersigned electors of the Electoral District of \_\_\_\_\_ hereby nominate (name, residence and addition of the person nominated and present location if absent from the Electoral District,) as a candidate at the election now about to be held of a member to represent the said Electoral District in the Legislative Assembly of the North-West Territories.

Witness our hands this                      day of                      18 .

*Signature with residence and additions.*

Affirmed and signed by the above subscribing electors before me.

(Signed) A. B.,  
Justice of the Peace,  
or Returning Officer.

I, the said A. B., nominated in the foregoing nomination paper,  
hereby consent to such nomination.

Signed in the presence of  
(Signed) C.D. } (Signed) A. B.

## FORM G.

*Information to Electors. (Sec. 22.)*

The persons qualified to vote are male British subjects by birth or naturalization (other than unenfranchised Indians) who have attained the full age of twenty-one years and who have resided in the North-West Territories for at least the twelve months and in the Electoral District for at least the three months, respectively, immediately preceding the time of voting.

An elector can vote only at the polling place for the polling division in which he resides.

The voter is to vote only for one candidate, unless two members are to be returned for the Electoral District, in which case he may vote for one or two candidates as he thinks fit.

The voter after receiving his ballot paper from the deputy returning officer will go into the inner room of the polling place, select from the pencils there provided the one of the color representing the candidate for whom he desires to vote and bearing his name, and with such pencil shall make a mark in the form of an X on the blank face of the ballot paper.

The voter will then fold the ballot paper at the crease thereon so that the mark made by him will be folded inwards. He will then moisten the gum or mucilage on the ballot paper and press the gummed end to the end against which it is folded, causing it to adhere thereto. The voter will then deliver the ballot paper to the deputy returning officer who will place it in the ballot box. The voter will then forthwith quit the polling station.

If a voter inadvertently spoils a ballot paper he may return it to the proper officer who, on being satisfied of the fact, will give him another.

If a voter votes for more candidates than he is entitled to vote for or more than once for each candidate his vote will be void and cannot be counted, and he shall be liable to a fine of \$100.00.

Any voter who attempts to violate the secrecy of the ballot by marking his ballot paper in a peculiar manner, or by showing it to any person after marking it, and any person who instigates any voter so to mark his ballot or to show such ballot after being marked shall be liable to a fine of \$100.00.

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## FORM H.

*Oath of Deputy Returning Officer. (Sec. 23.)*

I, the undersigned G. H., appointed deputy returning officer for the polling division No. \_\_\_\_\_ of the electoral district of \_\_\_\_\_, solemnly swear (or, *being one of the persons permitted by law to affirm in civil cases*, solemnly affirm) that I will act faithfully in my said capacity of deputy returning officer without partiality, fear, favor, or affection. So help me God.

(Signature)

G. H.,  
Deputy Returning Officer.

*Certificate of a Deputy Returning Officer having taken the Oath of Office.*

I, the undersigned, hereby certify that on the \_\_\_\_\_ day of the month of \_\_\_\_\_, G. H., deputy returning officer for the polling division No. \_\_\_\_\_ of the electoral district of \_\_\_\_\_, took and subscribed the oath (or affirmation) of office, required in such cases of a deputy returning officer, by Section 23 of "The Territories Elections Ordinance." In testimony whereof I have delivered to him this certificate under my hand.

(Signature)

C. D.  
Justice of the Peace, or  
A. B.  
Returning Officer.



## FORM I.

*Oath of Poll Clerk. (Sec. 25.)*

I, the undersigned, I J., appointed poll clerk for the polling division No. , of the electoral district of do solemnly swear (or, *if he is one of the persons permitted by law to affirm in civil cases*, do solemnly affirm) that I will act faithfully in my capacity of poll clerk, and also in that of deputy returning officer if required to act as such, according to law, without partiality, fear, favor or affection. So help me God.

(Signature)

I J.  
Poll Clerk,*Certificate of the Poll Clerk having taken the Oath.*

I, the undersigned, hereby certify that on the day of the month of 18 I J., poll clerk for the polling division No. , of the electoral district of took and subscribed before me the oath (or affirmation) of office required of a poll clerk in such cases by Section 25 of "The Territories Elections Ordinance." In testimony whereof I have delivered to him this certificate under my hand.

C. D.

Justice of the Peace, or

A. B.

Returning Officer, or

G. H.

Deputy Returning Officer.

## FORM J.

*Statement of Voters. (Sec. 24.)*

1. I do hereby state that I am a male British subject by birth or naturalization; that I am not an unenfranchised Indian; that I am of the full age of twenty-one years; That I have resided in the North-West Territories for at least the twelve months and in this Electoral District for at least the three months immediately preceding the present time; that I am a resident of this polling division and that I have not voted at this election either at this or any other polling place.

2. I, do hereby state that I have not received anything nor has anything been promised me directly or indirectly, either to induce me to vote at this election, or for loss of time, travelling expenses, hire of team or for any other service connected therewith, and that in the casting of my vote at this election I am not impelled or influenced by fear or by expectation of favor.

*Statement of Deputy Returning Officer, Poll Clerk, Candidate, Agent, Etc.*

3. I, A.B., do hereby state that I am a male British subject by birth or naturalization; that I am not an unenfranchised Indian; that I am of the full age of twenty-one years; that I have resided in the North-West Territories for at least the twelve months and in this Electoral District for at least the three months immediately preceding the present time; that I am now residing in polling division Number of this Electoral District; that I have not voted at this election either at this or at any other polling place and that I am a candidate at this election (or that I am acting as Deputy Returning Officer or Poll Clerk, or Agent, or Scrutineer, and for whom as the case may be at this polling station.)

(Signature) A B.,

Witness

(Signature) C.D.,  
Deputy Returning Officer,  
or Poll Clerk.

## FORM K.

*Interpreter's Oath. (Sec. 34.)*

I do solemnly swear (or if he is one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that I will well, truly and faithfully interpret to C.D., (the proposed voter) all such instructions and information, necessary to enable him to cast his vote at this election as I may be directed by the Deputy Returning Officer to communicate to him, and that I will not say or communicate anything to the said C.D. to induce him to vote for, or to refrain from voting for any particular candidate. So help me God.

## FORM L.

*Notice to Appear. (Sec. 34)*

To

Take notice that you are hereby required to appear at this polling station on the day of 18 , at the hour of o'clock noon, before me and such Justice of the Peace, as shall then be sitting with me to answer to a charge of having voted, contrary to the provisions of "The Territories Elections Ordinance."

Dated this day of 18 .

(Signature)

A.B.

Deputy Returning Officer.

## FORM M.

*Summons to a Witness. (Sec. 42.)*

To A. B.

You are hereby commanded to appear before us at *(here describe with reasonable certainty the building or place fixed for sittings of the Court of Revision)* in polling division Number of the Electoral Division of on the day of 18 , at the hour of o'clock noon, and so on from day to day until the charge hereinafter mentioned is tried or otherwise disposed of to testify and give evidence upon the hearing before us of a charge prepared against one C.D., of having voted contrary to the provisions of "The Territories Elections Ordinance."

And you are hereby further commanded to bring with you and produce at the time and place aforesaid all papers and articles in your possession or power in any way relating to said charge or to any matter connected therewith.

Witness our hands this day of 18 ,

(Signatures)

Deputy Returning Officer.

Justice of the Peace.

## FORM N.

## WITNESS FEES. (Sec. 42.)

For every day necessarily absent from residence in going to, staying at and returning from hearing.

When residence is within 4 miles of place.....	\$1 00
When over 4 miles . . . . .	2 00
For every mile necessarily travelled other than by railway ...	10
When railway used : actual fare paid.	

## FORM O.

*Schedule of Costs to be allowed upon Inquiry before Judge of  
Supreme Court. (Sec. 66.)*

To the Clerk of the Court for receiving, filing and entering each appeal and attending on the hearing of argument and judgment . . . . .	\$ 2 00
To the Clerk for issuing each Summons or Subpoena.....	50
To Witnesses, the same fees as are allowed in civil cases....	
To the Advocate for the party succeeding on each appeal...	2 00
To be increased in the discretion of the Judge to an amount not exceeding \$15.00.	

NO. 3 OF 1894.

AN ORDINANCE TO AMEND AND CONSOLIDATE AS AMENDED "THE MUNICIPAL ORDINANCE" AND THE SEVERAL ORDINANCES AMENDING THE SAME.

(Assented to 7th September, 1894.)

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

PART I.

MUNICIPAL ORGANIZATION.

INCORPORATION.

1.—RURAL MUNICIPALITIES.

2.—CITIES.

3.—TOWNS.

1. This Ordinance may be cited as "The Municipal Ordinance."

Municipalities  
to be bodies  
corporate.

2. Every city, town and rural municipality hereby or by any other Ordinance of the Legislative Assembly of the North-West Territories, or by Proclamation of the Lieutenant-Governor under any such Ordinance created or continued, shall be a body corporate, and shall have all the rights, and be subject to all the liabilities of a corporation; and especially, shall have full power to acquire, hold and alienate both real and personal estate for all municipal purposes, and by the same name they and their successors shall have perpetual succession, and they shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all courts,



and in all actions, causes and suits at law and in equity whatsoever; and they shall have a common seal, with power to alter and modify the same at their will and pleasure: and they shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property, real or movable, for the use of the said municipality, and of becoming parties to any contracts or agreements in the management of the affairs of the said municipality.

3. The inhabitants of every city, town and municipality, incorporated at the time this Ordinance takes effect, shall continue to be a body corporate with the boundaries respectively as then established. Certain Municipalities, continued

4. The head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of every municipal corporation, when this Ordinance takes effect, shall be deemed the head and members of the council, and all by-laws, contracts, property, assets and liabilities of such council or municipal corporation, shall be amenable to the provisions of this Ordinance. Officers, property, etc., of existing Municipalities

5. In the case of cities the name of the body corporate shall be "The City of (naming the same)." Names of cities

6. In the case of towns the name of the body corporate shall be "The Town of (naming the same)." Towns

7. In the case of rural municipalities the name of the body corporate shall be "The Municipality of (naming the same)." Rural Municipalities

## RURAL MUNICIPALITIES.

### MUNICIPAL OFFICERS.

× 8. Each Municipality of not more than four hundred square miles shall be entitled to and elect a reeve and four councillors, and each Municipality of more than four hundred square miles shall be entitled to and elect a reeve and six councillors. Number of Councillors

## ERECTION OF RURAL MUNICIPALITIES.

Petition for  
establishment  
of rural muni-  
cipality

9. In any part of the Territories, not comprised within the limits of an existing Municipality, any number of male persons over twenty-one years of age, who have been owners and householders within the area, not being less than two hundred square miles, proposed to be established as a Municipality, for a period of three months next preceding the date of the petition, may by petition in the form A of the Appendix to this Ordinance, request the Lieutenant-Governor to erect such area into a Municipality.

Proofs to ac-  
company pe-  
tition

10. Upon proof by affidavit in the Form B in the Appendix to this Ordinance that at least two-thirds of such persons have signed such petition and that public notice, in Form C of the Appendix of this Ordinance, of such intended application, signed by three of the petitioners, has been posted in six different places within the proposed area, for at least two weeks previous to the receipt of the petition by the Lieutenant-Governor, and no opposition being offered, and there appearing no just or reasonable ground for re-

Proclamation

fusing such incorporation, the Lieutenant-Governor shall proclaim the area a Municipality by the name proposed or some other suitable name. But if such petition be disputed by any person entitled to petition as aforesaid, within such area, on affidavit stating the facts, or if it appear to the Lieutenant-Governor that the proposed boundaries of such Municipality are ob-

In case of pro-  
test or objec-  
tion

jectionable for any cause, then the Lieutenant-Governor shall refer the petition and all matters connected therewith to the Legislative Assembly.

Cash deposit

11. The sum of one hundred dollars shall accompany every petition for incorporation, and such sum shall be used to defray the expenses attending the erection of the Municipality, and any portion not expended for such purpose shall be by the Lieutenant-Governor paid to the Treasurer of the Municipality when formed.

12. Such proclamation shall set forth the town-

ships and ranges, or parts thereof, and lots in special survey included in said Municipality, and the name of such Municipality.

Contents of  
proclamation

## TOWNS.

13. When the census returns of any locality taken under the direction of the council or councils of the municipality or municipalities in which such locality is situate (or in case of refusal or neglect of such council or councils, or where no council exists, on petition of at least twenty-five residents in such locality, to take such census, then under the direction of the Lieutenant-Governor-in-Council, at the expense of such petitioners) show that the same contains over five hundred inhabitants, and when the residences of such inhabitants are sufficiently close together to form an incorporated town, then upon petition of not less than two-thirds of the resident owners or householders of the locality of whom not fewer than one-half shall be owners, the Lieutenant - Governor - in - Council may, by letters patent, incorporate the freeholders and householders of such locality as a town corporation by the name proposed, or some other suitable name.

Incorporation  
of towns

14. Such petition, and the signatures thereto, shall be verified by statutory declaration, and shall state the name, limits and extent of such proposed town, and notice of the intention of the petitioners to apply for such letters patent shall be given by publishing such notice in one issue of the North-West Territories Gazette, and posting up in the proposed limits of such town at least twenty-five printed copies of such notice.

Verification  
petition

15. Such letters patent shall not be granted for at least one month after the publication of notice as aforesaid, and shall be granted within six months after the publication of such notice as aforesaid.

Time of incor-  
poration

16. No town so incorporated after the passing of this Ordinance shall extend over, or occupy within the limit of incorporation a greater area than six

Area of town

hundred and forty acres, but should its population exceed 2,000, then one hundred and sixty acres may be added for every additional 1,000 inhabitants over and above the first 2,000.

Parks exclud-  
ed

17. In calculating the area of any such proposed town, public parks shall be excluded.

### CITIES.

Census

18. A census of any city, town or rural municipality may at any time be taken under the authority of a by-law of the council thereof.

Establishment  
of Cities

19. In case it appears by the census return taken under such by-law, that a town contains over 5,000 inhabitants, the town council may petition the Legislature to be erected into a city, to be governed in accordance with the provisions of the Municipal Ordinance. But the change shall be made by means of, and subject to the following proceedings and conditions :—

Notice of ap-  
plication

20. The council of the town shall, for three months, insert a notice, at least once a week, in some news paper published in the town, or, if no newspaper is published therein, then the council shall, for three months, post up a printed notice in twenty-five public places in the town, and insert the same at least once a week in the newspaper published nearest to the said town, setting forth in the notice the intention of the council to apply for the erection of the town into a city, and stating the limits intended to be included therein; said notice shall within said period of three months be inserted once in the North-West Territories Gazette.

Signatures  
in petitions

21. Such petition shall be signed by at least two-thirds of the resident owners or householders of the town, and the signatures of a majority of the

members of the town council attached separately thereto verified by statutory declaration, and shall state the name, limits, and extent of such proposed city, and that the signers of the petition are bona fide resident owners and householders of the town and occupy within the limit of incorporation an area of less than twelve-hundred and eighty acres.

22. In calculating the area of any such proposed city, public parks shall be excluded. Parks excluded

23. After the sanction of the Legislature to the petition asking for incorporation as a city has been granted the present mayor and councillors of the town shall continue to hold office, shall have full power and authority to perform all the duties and exercise all powers granted for government of cities, until their successors are appointed or elected, and shall make all necessary arrangements for the due holding of the first election within (60) sixty days of the granting of such incorporation as may be provided for by this Ordinance. In case of incorporation Officers continued  
First election

24. In case a town is incorporated into a city, the by-laws in force therein shall continue in force until repealed or altered by the council of the new corporation; but no such by-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the council which passed the same. By-laws continued



## PART 2.

## ELECTIONS.

- 1.—MEMBERS OF COUNCILS.
- 2.—FIRST ELECTIONS.
- 3.—MUNICIPAL ELECTIONS.
- 4.—BALLOT.
- 5.—SCHOOL TRUSTEES ELECTIONS.
- 6.—VOTERS' LISTS.
- 7.—CORRUPT PRACTICES.
- 8.—CONTROVERTED ELECTIONS.

## MEMBERS.

## CITIES.

Councils of  
cities

1. The council of every city shall consist of the mayor, who shall be the head thereof, and ten aldermen.

## TOWNS.

Councils of  
towns

2. The council of every town shall consist of the mayor, who shall be the head thereof, and six councillors, if the population does not exceed 3000, when the population exceeds that number, the council may, by by-law, raise the number of councillors to eight.

## MUNICIPALITIES.

Councils of  
Municipalities

3. The council of every rural municipality shall consist of the reeve, who shall be the head thereof, and such number of councillors to be fixed by by-law, not exceeding six, nor less than four councillors, elected in accordance with the provisions of this Ordinance.

## QUALIFICATIONS.

Qualifications  
of councillors,  
etc.

4. The persons eligible for election as mayors, aldermen, Reeves and councillors, shall be natural born or naturalized subjects of Her Majesty and males of the full age of 21 years, able to read and write, not subject to any disqualification under this Ordinance, and qualified as follows :

## CITIES AND TOWNS.

5. In cities and towns being resident the owner

at the time of the election of freehold, leasehold, or partly freehold and partly leasehold real estate rated in their own names on the last revised assessment roll of the municipality to at least the value following, over and above all charges, liens and encumbrances affecting the same : In cities, freehold \$2,000 or leasehold \$5,000, In towns, freehold \$500, leasehold \$1,500.

Qualification  
in cities and  
towns

#### RURAL MUNICIPALITIES.

6. In rural municipalities—Being resident in the municipality and the owner at the time of the election of real estate of not less than four hundred dollars within the municipality rated in their own name on the last revised assessment of the municipality.

Qualification  
in rural Mu-  
nicipalities

#### DISQUALIFICATION.

7. No judge of any court of civil jurisdiction, no gaoler or keeper of any house of correction, no sheriff, deputy-sheriff, sheriff's bailiff, or constable in any city or town, no assessor, collector, treasurer, clerk or other paid official of the municipality, no bailiff, no deputy clerk of the Crown, no inspector of licenses, no person having by himself or his partner an interest in any contract with or on behalf of the corporation or being indebted to the municipality and no surety for an officer or employe of the municipality, and no person who shall have been convicted of treason or felony in any court of law within Her Majesty's dominions, shall be qualified to be a member of the council of any municipal corporation.

Holders of cer-  
tain offices  
disqualified

#### FIRST ELECTIONS.

8. After the issue of the proclamation of a town or rural municipality the Lieutenant-Governor shall by order appoint a returning officer to hold the first election of councillors, and in case of his death or refusal to act, appoint another.

Lt.-Gov. to ap-  
point return-  
ing officer

9. The returning officer so appointed shall appoint an election clerk, who shall have the powers of such returning officer in case the returning officer becomes unable from any cause to perform the duties of his office.

Ret. officer to  
appoint elec-  
tion clerk

Ret. officer to  
publish notice  
of nomination

10. The returning officer shall immediately on receipt of the order appointing him, endorse thereon the time of its receipt, and shall within one week thereafter issue and post up, in at least six conspicuous places within the limits of the municipality, and not less than six days previous to the day fixed for nomination, calling an election of the first councillors thereof, a notice, in form D of the Appendix to this Ordinance.

Ret. officer to  
appoint deputies

11. The returning officer shall appoint a deputy returning officer for each polling place within the municipality, and each deputy returning officer may appoint, a poll clerk.

Franchise

12. All men, unmarried women and widows over twenty-one years of age, who have been owners or householders within the municipality for a period of not less than twelve months next preceding the day of voting, shall be entitled to vote at first elections.

Oath of voter

13. At the request of any candidate or his agent, or any voter, the following oath shall be administered by the deputy returning officer to any person tendering his vote at such first election:

You do solemnly swear that you are over twenty-one years of age, that you have been an owner or a householder (*as the case may be*) in this municipality for a period of not less than twelve months next preceding this date; (*if a woman*) that you are unmarried or a widow.

Qualification  
of candidates

14. Any person residing in the municipality and qualified to vote at the first election and not otherwise disqualified under the provisions of this Ordinance, may be elected at such first election.

Procedure in  
other respects

15. In other respects the proceedings at such first election, and the duties of returning officer, deputy returning officer, and poll clerk, relating thereto, shall substantially conform to the proceedings at subsequent elections for municipal councillors.

#### SUBSEQUENT ELECTIONS.

Council to ap-  
point return-  
ing officer  
and deputies

16. The Council shall at least one week prior to the last Monday in ~~December~~ <sup>November</sup>, by by-law, appoint a returning officer for the Municipality, define the districts or sub-divisions within the Municipality, or where

votes are to be polled, and appoint a Deputy Returning Officer for each such district or sub-division.

Provided always that a municipality may by by-law, declare that no person shall be entitled to vote who has not on or before a day to be named therein paid all taxes due by him to such municipality, either for the current year, or all arrears of taxes, or both.

Proviso as to  
non-payment  
of taxes

17. In municipalities which have passed a by-law under the provisions of the next preceding Section of the said Ordinance, on or before the day of nomination of candidates, if the collector's roll has been returned to the treasurer of the municipality, the treasurer shall prepare and verify on oath, or if the collector's roll has not been so returned, the collector shall prepare and verify on oath a correct alphabetical list of:—

Statement of  
voters having  
taxes unpaid

(a) All persons, who being on the voters' list by reason of their income or personal property only, have not paid their municipal taxes on such income or personal property on or before the 15th day of December preceding the election, or

(b) All persons on the voters' list who have been assessed for real property but have not paid their municipal taxes on or before the 14th day of December preceding the election.

18. No person, who has been returned by the treasurer or collector as in default for non-payment of taxes under the preceding Section, shall be entitled to a vote in respect of income or real or personal property, unless at the time of tendering of the vote he produces and leaves with the officer holding such election a certificate from the treasurer or collector of the municipality showing that the taxes in respect of which default has been made, have since been paid; and such officer shall file such certificate, receive the vote, and note the same on the defaulters' list.

Person in de-  
fault with  
taxes not to  
vote

19. Every returning officer, deputy returning officer,

Oath of returning officer and others

poll clerk, candidate, or agent authorized to be present at any polling place shall, before exercising any of the functions of such returning officer, deputy returning officer, poll clerk, candidate, or agent at any polling place, take and subscribe before a justice of the peace or the clerk of the municipality on oath in form as follows :—

“ I A. B., do swear that I will not at any time disclose to any one the name of any person who has voted at the election to be held in the municipality of  
the A. D. 18                      and that I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted, and will not in any way aid in the unlawful discovery of the same and that I will keep secret all knowledge which may come to me of the person for whom any elector has voted. So help me God.

Ret. Officer to call meeting for nomination

20. The Returning Officer shall, by notice, in the form E of the Appendix to this Ordinance, posted up in ten conspicuous places within the Municipality, and at least six days previous to such meeting, call a meeting of the electors within the same on the first Monday in ~~January~~ <sup>December</sup> for the purpose of nominating the required number of ~~officers of Mayor, Reeve or~~ <sup>candidates for the offices of Mayor, Reeve or</sup> Councillors for the term commencing on the day of election following.

Procedure thereat

21. At the time and place named in the notice the Returning Officer shall declare the meeting open for the purpose of receiving nominations, and any person whose name appears on the last revised assessment roll may propose or second the nomination of any duly qualified persons to serve as Mayor, Reeve, Aldermen or Councillors, and the meeting shall remain open until noon, when, if the number of duly qualified persons nominated to serve as Mayor, Reeve, Councillors or Aldermen for the Municipality, do not exceed the number of Councillors or Aldermen to be elected, the Returning Officer shall declare the persons so nominated duly elected Councillors or Aldermen for the Municipality.

Proviso

Provided always that every nomination for Mayor,



Reeve, Alderman or Councillor shall be accompanied by a written consent from the person named in each nomination.

22. In the event of more than the required number of such persons being nominated for the Municipality the Returning Officer shall declare that a poll will be held in such Municipality, and name the time (which shall be the same day of the week as the nomination, in the next following week), the place and the Deputy Returning Officer or Deputy Returning Officers, as the case may be, appointed to hold the same, and the time and place where the result of such poll will be declared. Procedure if poll required

23. Whenever a poll has to be taken, the Returning Officer shall, without any unreasonable delay after the nomination, cause to be posted up in at least ten conspicuous places within the Municipality a notice in the form F of the Appendix to this Ordinance. Notice of poll

24. Any candidate nominated may withdraw at any time after nomination and before the close of the poll on polling day, by filing with the Returning Officer or Deputy Returning Officer a declaration in writing to that effect, signed by himself in the presence of the Returning Officer or Deputy Returning Officer, a Justice of the Peace or a notary Public, and any votes cast for any such candidate shall be null and void. Withdrawal of certificate

25. The poll shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon of the same day and no votes at such election shall be received after the last named hour. Hours of poll

26. Any person producing to the Deputy Returning Officer, at any time, a written authority to represent a candidate as agent at a polling place, shall be recognized as such by the Deputy Returning Officer. Agents of candidates

27. Every elector who is entitled to a vote in more than one polling sub-division, shall vote for mayor in cities and towns and for reeve in rural municipi- In case of vote for mayor or reeve

palities, at the polling place or polling sub-division in which he is a resident, if qualified to vote therein; or when he is a non-resident or is not entitled to vote in the polling sub-subdivision where he resides, then where he first votes and there only.

Penalty for  
voting in more  
than one place  
for mayor or  
reeve

(1) Any person, who votes for mayor or reeve after having already voted for mayor or reeve at some other polling place at that election, shall incur a penalty of \$50, to be recovered, with full costs of suit, by any person who will sue for the same in any court having jurisdiction where the offence was committed and any person against whom judgment is rendered shall be ineligible either as a candidate or elector at the next annual elections.

Evidence

(2) The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted.

Oath of voter

28. At the request of any candidate or his agent, or of any elector the following oath shall be administered to any person tendering his vote at such election :

You do solemnly swear that you are the person named or purporting to be named by the name of \_\_\_\_\_ on the voter's list now shown to you, that you have not before voted at this election and that you have not received or been promised any consideration whatsoever for voting at this election and (*if the municipality has passed a by-law requiring all persons to have paid their taxes to entitle them to vote*) that you have paid all taxes in arrear due by you to the municipality of \_\_\_\_\_ and that you are of the full age of twenty-one years, and that you are the bona fide owner or lessee of the property for which you are assessed (*if a woman*) that you are unmarried or a widow.

Poll clerk

29. Every deputy returning officer may, by writing under his hand, appoint a poll clerk, who in the absence of such deputy returning officer, or on his failure or inability to fulfil the duties required of him by this Ordinance, shall have all the powers of such deputy returning officer.

## BALLOT.

30. The votes at all elections shall be given by ballot, in manner hereinafter set forth. Vote by ballot-

31. Every ballot paper shall contain the names of the candidates, alphabetically arranged, and all ballot papers shall be as in form G of the appendix to this Ordinance. Ballot papers

32. The returning officer shall procure, or cause to be procured as many ballot boxes as there are polling sub-divisions in the municipality, and cause to be printed a sufficient number of ballot papers for the purposes of the election. Ret. Officer to procure ballot boxes and papers

33. The returning officer shall, at least two days before polling day, deliver one of the ballot boxes to each deputy returning officer. And to each deputy a ballot box

34. The returning officer shall, before the poll is opened, cause to be delivered to every deputy returning officer the ballot papers, materials for marking the ballot papers, and a sufficient number of printed directions for voting, in Form H of the appendix to this Ordinance. Ballot papers, etc

35. At elections subsequent to the first, the clerk of the municipality shall supply to each deputy returning officer, before the opening of the poll, a voter's list, in Form I of the Appendix to this Ordinance, containing the names of all the electors at that polling sub-division. Clerk to supply voters lists

36. Every Deputy Returning Officer shall provide a compartment at the polling place to which he is appointed where the voters can mark their ballots screened from observation, and may appoint a constable to maintain order at the polling place. Voting compartment  
Constable

37. Every Deputy Returning Officer shall, immediately before the commencement of the poll, open the ballot box and call such person as may be present to Inspection and sealing of ballot box before poll

witness that it is empty: he shall then lock and properly seal the same to prevent its being opened without breaking the seal, and then place the box in view for the reception of the ballots. The seal shall not be broken nor the box unlocked during the time appointed for taking the poll.

Proceedings at  
poll

38. Proceedings at the poll shall be as follow :

Voter's list

(1) On a person presenting himself for the purpose of voting, the Deputy Returning Officer shall ascertain that the name of such person is entered or purports to be entered upon the voters' list of his polling division.

Voter sworn

(2) If such person takes the oath or affirmation prescribed by this Ordinance, the Deputy Returning Officer shall cause to be entered opposite the name of such person, in the proper column of the voters' list, "Sworn" or "Affirmed," according to the fact.

Voter refusing  
to be sworn

(3) When such person as aforesaid has been required to take the oath or affirmation prescribed by this Ordinance and refuses to take the same, the Deputy Returning Officer shall cause to be entered in the proper column of the voters' list, opposite the name of such person, the words "Refused to be sworn" or "Refused to affirm," according to the fact.

Persons refus-  
ing the oath

[a] No person who has refused to take the oath or affirmation prescribed by this Ordinance, when requested so to do, shall receive a ballot paper or be admitted to vote.

Vote objected  
to

(4) When the vote is objected to, the Deputy Returning Officer shall cause to be entered in the proper column of the voters' list opposite the voter's name, the words, "Objected to," and shall add thereto the name of the candidate by whom or on behalf of whom the objection is made.

Dep. R. O. to  
initial ballots

(5) After the proper entries respecting a person

claiming to vote have been made in the voters' list, in the manner prescribed, the deputy returning officer shall stamp or sign his initials upon the back of the ballot paper, and shall deliver the same to such person.

(6) The deputy returning officer may, and upon request shall, either personally or through his poll clerk, explain to the voter as concisely as possible, the mode of voting. Direction of Voter

(7) The deputy returning officer shall cause to be placed, in the proper column of the voters' list, a mark opposite the name of every voter receiving a ballot paper. Marking voters' list

(8) Only one person claiming to be entitled to vote shall be allowed at a time in the apartment where the election is held. Only one voter allowed in room

(9) Each person receiving a ballot paper shall forthwith proceed to the compartment provided for marking ballots, and shall mark his ballot paper by placing a cross opposite the name of the candidate or candidates for whom he desires to vote; he shall then fold the ballot paper so as to conceal the names of the candidates, and the marks on the face of the paper, but so as to expose the initials of the deputy returning officer, and on leaving the compartment shall forthwith and without exposing the face of the ballot paper to anyone, or in any manner making known to any person for or against whom he has voted, deliver the same to the deputy returning officer, who shall, without unfolding it, verify his initials, and at once deposit it in the ballot box in the presence of all other persons entitled to be and then present in the polling place. Marking and casting ballot

(10) While any voter is in the compartment for the purpose of marking his ballot paper, no other person shall be allowed in the same compartment, or be in any position from which he can see the manner in which such voter marks his ballot paper, except as hereinafter provided. Secrecy of vote



Voter unable to mark ballot (11) In case any elector states he is unable to mark his ballot paper:—

—Procedure [a] The deputy returning officer shall, in the presence of the candidates or their agents present, if required by any candidate or agent, administer an oath to such elector that he is unable to mark his ballot paper, and shall then cause the vote of such elector to be marked as he directs, and shall then place the same in the ballot box ; and

[b] The deputy returning officer shall state, in the voter's list, opposite the name of such elector, in the column for remarks, the fact that the ballot paper was marked by him at the request of the voter, and why.

Ballot spoiled before use (12) Any elector who has spoiled his ballot paper in marking it, and discovers the fact before it has been placed in the ballot box, may, on returning the same to the deputy returning officer, and proving the fact to him, obtain another ballot paper, and the deputy returning officer shall mark upon the face of the ballot paper so returned the word "cancelled," and all ballot papers so marked shall be preserved by the deputy returning officer, and by him returned to the returning officer in the manner hereinafter provided.

Person once declining to vote forfeits his right (13) Any person, who has received a ballot paper and who leaves the polling place without delivering the same to the deputy returning officer in the manner provided, or if after receiving the same refuses to vote, shall forfeit his right to vote at the election then pending, and the deputy returning officer then shall make an entry in the voters' list, opposite the name of such person, in the column for remarks, that such person received a ballot paper and did not return the same, and that the person returned the ballot and declined to vote, and in which latter case the deputy returning officer shall mark upon the face of the ballot paper the word "declined," and all ballot papers so marked shall be preserved by the deputy returning officer and by him returned to the returning officer in the manner hereinafter provided.

(14) Any Deputy Returning Officer, Candidate, Agent or Poll Clerk, who belongs to a polling division other than the one in which he is performing the duties of such, may vote at the polling station where he is so engaged, provided he produces a certificate from the Clerk of the Municipality that he is a qualified voter within the same, and the Deputy Returning Officer shall attach such certificate to the voters' list.

Vote of Deputy Returning Officer and others

39. Immediately after the close of the poll, the Deputy Returning Officer shall, in the presence of the Poll Clerk, if there be one, and such of the candidates with their agents (of whom there shall not be more than two for any candidate) as may be present, open the ballot box and proceed as follows:—

Close of Poll—Proceedings

(1) He shall examine the ballot papers and reject all those on the back of which his initials are not found, or on which more votes are given than the elector is entitled to give, or on which anything appears by which the voter can be identified, and any ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all candidates for said office;

Certain ballots to be rejected

(2) Take a note of any objection made by any candidate or his agent to any ballot paper found in the ballot box and decide on any question arising out of the objection;

Objections to ballots.

(3) Number such objection and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed," as the case may be, with his initials;

Objections to be numbered and decision noted

(4) Count the votes given for each candidate from the ballot papers not rejected, and make a written statement of the number of votes given to each candidate and of the number of ballot papers rejected and not counted by him, which statement shall be then signed by him, and such other persons authorized to be present as may desire to sign the same;

The Count  
Statement of Count.

Certificate of  
Deputy R.O.

(5) The deputy returning officer shall then certify under his own hand in full words on the voters' list the total number of persons who have voted at the polling place at which he is appointed, and make up into separate packets:

Ballot Papers,  
etc. to be  
sent to Re-  
turning Offi-  
cer

[a] The statement of votes given for each candidate and of the rejected ballot papers;

[b] The used ballot papers which have not been objected to but which have been counted;

[c] The ballot papers which have been objected to but which have been counted;

[d] The rejected ballot papers;

[e] The declined and cancelled ballot papers;

[f] The voters' list;

Which packets, closed up and sealed with his own seal and with the seals of any persons present desiring to affix their seals thereto, and marked on the outside with a memorandum designing their respective contents, shall by the deputy returning officer be transmitted forthwith to the returning officer.

Oath of Deputy  
R. O. after  
Poll

(6) Before returning the said poll book to the returning officer the deputy returning officer shall make and subscribe before such returning officer, or a justice of the peace or the poll clerk, his declaration under oath that the poll book was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made; which declaration shall thereafter be annexed to the poll book, and such poll book and declaration may be inspected at any time in the presence of the returning officer by any elector of the municipality.

Form of Oath

(7) The declaration mentioned in the preceding subsection shall be in the form following:

I, C. D., the undersigned deputy returning officer for ward (or polling sub-division No. ) of the city, town, or rural municipality (*as the case may be*) of do solemnly swear (*or if he is a person permitted by law to affirm, do solemnly affirm*) that to the best of my knowledge the poll book used in and for the said ward (or polling subdivision No. ) of the said city, town, or rural municipality (*as the case may be*) of was so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

(Signed) C. D.,

Deputy Returning Officer.

Sworn or affirmed before me, at , this

day of , A. D., 18

(Signed) N. Y.,

Justice of the Peace.

Or,

Returning officer of the rural municipality, city, or town, (*as the case may be*) of

(8) Every deputy returning officer, upon being requested so to do, shall give to the persons authorised to attend at his polling place, a certificate showing the total number of votes cast at his polling place for each candidate, and the number of rejected ballot papers. Certificate of vote to be given

40. At the time and place fixed for declaring the result of the election, the returning officer shall open the packet containing the statement of the number of votes given for each candidate and shall publicly declare elected the candidate or candidates who have received the highest number of votes, and shall deliver or forward to each candidate a certificate of his election, showing the total number of votes cast for each candidate and those declared elected by him. Declaration of Election

(1) In case it appears that two or more of the candidates have an equal number of votes, the returning officer shall, at the time he declares the result of the poll, give a vote for one or more of such candidates, so as to decide the election and except in such case the returning officer shall not vote. In case of a tie

#### GENERAL PROVISIONS.

41. After the election, the ballot boxes, packets and returns shall be transmitted to the Clerk of the Mu- Ballot boxes, etc., to be transmitted to Clerk

nicipality, or if it be a first election, then to the Returning Officer and by him delivered into the custody of the Clerk, when one is appointed. The Clerk shall be responsible for their safe keeping and for their delivery when required.

Certain papers  
to be des-  
troyed

42. The Clerk of the Municipality, having retained for three months all ballot and other papers transmitted to him as aforesaid, shall then destroy the same, unless otherwise ordered by a Court or Judge of competent jurisdiction.

Clerk to be Re-  
turning Offi-  
cer

Returning Of-  
ficer may act  
as deputy

43. The Clerk of the Municipality shall be, except as hereinbefore provided or unless otherwise directed by by-law of the Council, Returning Officer of the Municipality; and any Returning Officer may exercise and perform the powers and duties of a Deputy Returning Officer at any one polling place in the Municipality to be selected by such Returning Officer or as directed by the Council.

No one to in-  
spect ballot  
papers, etc.

44. No person shall be allowed to inspect any ballot papers or other documents or papers, other than the voters' list used at an election in the hands of the Clerk, except under the order of a Court or Judge as aforesaid, which order shall state the time and place for inspecting such papers and name the persons to be present thereat.

Expenses of  
Election

45. All reasonable expenses incurred at any election under this Ordinance shall be paid by the Municipality upon production of accounts verified as the Council of said Municipality may direct.

46. Provided that where existing Municipalities at the passing of this Ordinance are divided into wards, the boundaries of such are hereby abolished, and at the next ensuing election the Mayor or Reeve and Councilors shall be elected from the whole Municipality.

#### SCHOOL TRUSTEES ELECTIONS.

Existing wards  
abolished

47. The Board of School Trustees of a City or Town



School District shall give notice to the Clerk of the Municipality on or before the fifteenth day of <sup>November</sup> December of each year of the number of vacancies required to be filled to make the School Board complete, and the election to fill such vacancies shall be held on the same day and in the same manner as Municipal Councillors, except as to qualification to vote, which shall be as provided for in the Ordinance respecting Schools.

48. In every case in which notice is given, as provided in the next preceding Section, the nomination and election of School Trustee shall be held at the same time and place and by the same Returning Officer or Officers, and conducted in the same manner as Municipal nominations and elections of Councillors, and the provisions of this Ordinance respecting the time for opening and closing the poll, the mode of voting, corrupt or improper practices, vacancies and declaration of office shall, mutatis mutandis apply to the election of School Trustees.

49. In the list of qualified voters to be delivered to the Returning Officer by the Clerk of the Municipality before the opening of the poll, the Clerk shall place opposite the names of any persons on the said list who have requested him in writing to place them as supporters of Separate Schools the letters "S.S.S.," and the Returning Officer shall not deliver to any such person a ballot paper for Public School Trustees where there exist Separate Schools in such Municipality.

50. In case any objection is made to the right of any person to vote at any election of School Trustees, the Returning Officer shall require the person whose right of voting is objected to, to make the following oath and affirmation :—

I, \_\_\_\_\_, do solemnly swear that I am a bona fide resident ratepayer of (give name of district in full), that I am of the full age of twenty-one years, that I am not an unfranchised Indian, that I have not before voted at this election, and that I have not received any reward either

directly or indirectly, nor have I any hope of receiving any reward for voting at this time and place. So help me God.

Ballot papers

51. A separate set of ballot papers shall be prepared by the Clerk of the Municipality, containing the names of the candidates nominated for School Trustees, of the same form as those used for Councillors, except the substitution of the words "School Trustee" for the word "Councillor" on said ballot paper.

#### TRUSTEES AND TREASURERS ANNUAL REPORTS.

Annual Reports

52 The annual statements required by the school ordinance of trustees and treasurer of city and town school districts, shall be given at same time and place as may be appointed for the mayor and council to make their report to the citizens of the municipality.

53. None of the provisions contained in the six preceding sections shall apply to school districts whose limits do not coincide with the limits of the municipality.

#### VOTERS' LISTS.

Preparation & posting of Voters' List

54. The clerk shall, on or before the first day of September in each year, prepare alphabetically for the municipality or wards as the case may be, a list of those persons being duly qualified to vote at municipal elections therein whose names appear on the assessment roll as finally revised by the court of revision, and shall post the same in a conspicuous place in his office; such list shall contain, opposite the name of each voter, a short description of the real property in respect of which he is entitled to vote, or if on personality or income, the words, "personalty or income" as the case may be.

Amendment at instance of Voter

55 Any person who has been resident in the municipality in the then current year prior to the first day of July and who is otherwise duly qualified, whose name does not appear on the voter's list or who is not assessed on the roll high enough to be qualified as a

voter, or whose name is put down in error, or whose name has been omitted from the last revised assessment roll (provided that the taxes are first paid on the property or income in respect of which he claims a vote) may, either by himself or agent, apply to have the list amended upon giving to the clerk a notice in the following form :

To the Clerk of the Municipality of

Take notice that I intend applying to the Council to have my name added to the voters' list or corrected as the case may be for the following reasons (here state the ground according to the facts)

(Signature of applicant)

Applicant.

or (name of applicant.)

Applicant by his Agent.

(Signature of Agent)

56. If any person qualified as a voter on income has left the municipality, or if a person has disposed of the property for which he was qualified as a voter under this ordinance before the first day of October in the then current year, or if any person's name is wrongfully put down, he shall be deemed disqualified as a voter, and any person duly qualified may apply to the council to have the name of the party or otherwise disqualified, struck off the voter's list and the name of the proper party, if any, substituted therefor, by notice to the clerk of his intention of applying to the council for that purpose as provided in the preceding section.

Amendment  
at instance of  
other person

57. Notices served upon the clerk under the two preceding sections shall be served in each year on or before the first day of November

Service of  
Notice

58. On or before the fifth day of November, the Clerk shall make a list of all applicants for amendments to the voters' list, stating names and grounds of each, of all such applications, and shall post the same in a conspicuous place in his office, and shall immediately thereafter notify the parties interested of the time and place fixed by the Council for hearing such applications.

List of appli-  
ca

Notification

Court of Revision,  
on Voters' List

59. On or before the fifteenth day of November in each year the Council of each Municipality shall meet as a final Court of Revision on the voters' list, and shall hear and determine all applications of which notice has been given to the Clerk as hereinbefore provided, and thereupon amend the voters' list in all cases provided for by Sections 55 and 56, as may be deemed fit and right, and the lists so amended shall be the voters' list of the Municipality for the year next ensuing.

Powers of

60. The Council sitting as a final Court of Revision on the voters' lists as aforesaid shall have all the powers and privileges conferred by this Ordinance upon the Court of Revision for the Municipality sitting upon the Assessment Roll, as to the attendance of witnesses, and the imposition and recovery of penalties and procedure.

#### CORRUPT PRACTICES AT ELECTIONS.

61. The following persons shall be deemed guilty of bribery, and shall be punished accordingly :—

Bribery

(1) Every person who directly or indirectly, by himself or by any other person in his behalf, gives, lends, or agrees to give or lend, or offers or promises money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a Municipal election, or upon a by-law for raising money or creating a debt upon a Municipality or part of a Municipality for any purpose whatever, or who corruptly does any such act as aforesaid, on account of such voter having voted or refrained from voting at such election or upon such by-law ;

Giving reward  
for services  
at Elections

(2) Every person who directly or indirectly by himself, or by any other person in his behalf, makes any gift, loan, offer, promise, or agreement as aforesaid to

or for any person in order to induce such person to procure or endeavor to procure the return of any person to serve in any Municipal council, or to procure the passing of any by-law as aforesaid, or the vote of any voter at a Municipal election or for such by-law ;

(3) Every person, who by reason of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavors to procure the return of any person in a Municipal election, or to procure the passing of any by-law as aforesaid, or the vote of any voter at a Municipal election, or for such by-law : Engaging in Elections for reward

(4) Every person who advances or pays, or causes to be paid, money to or to the use of any person, with the intent that such money or any part thereof shall be expended in bribery at a municipal election, or at any voting upon a by-law as aforesaid, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money, wholly or in part expended in bribery at such election or at the voting of such by-law : Payment of money for use in bribery

(5) Every voter who, before or during a municipal election, or the voting on such by-law, directly or indirectly, by himself or any other person in his behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at such election or upon such by-law ; Receiving consideration for voting.

(6) Every person who after such election or the voting upon any such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable consideration, on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any such election, or upon any such by-law. Receiving consideration for services

(7) Every person who hires horses, teams, carriages Hiring teams, etc.



or other vehicles, for the purpose of conveying electors to or from the polls, and every person who receives pay for the use of any horse, teams, carriages or vehicles, for the purpose of conveying any electors to or from any polls as aforesaid.

**Intimidation** (8) Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens the infliction, by himself or by or through any other person, of any injury, damage or loss, or in any manner practices intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting, or account of such person having voted or refrained from voting at any election, or who in any way prevents or otherwise interferes with the free exercise of the franchise of any voter, shall be deemed to be guilty of undue influence and be subject to the penalty hereinafter mentioned.

**Certain expenditure lawful** 62. The actual personal expenses of a candidate, his expenses for actual professional services performed, and bona fide payments for the fair cost of printing and advertising shall be held to be the expenses lawfully incurred, and the payment thereof shall not be a contravention of this Ordinance.

**Forfeiture and disqualification** 63. Any candidate elected at any Municipal election who shall be found guilty by the Judge of any act of bribery, or using undue influence as aforesaid, shall forfeit his seat, and shall be rendered ineligible as a candidate at any Municipal election for two years thereafter.

**Penalty for Bribery** 64. Any person who is adjudged guilty of bribery, shall incur a penalty of twenty-five dollars and shall be disqualified from voting at any Municipal election, or upon a by-law for the next succeeding two years.

**Recovery for Penalties** 65. The penalties imposed by the preceding section shall be recoverable, with full costs of suit, by any person who sues for the same, in the Supreme Court

in the judicial district in which the offence was committed; and any person against whom judgment is rendered, shall be ineligible either as a candidate or a municipal voter, until the amount which he has been condemned to pay is fully paid and satisfied.

66. It shall be the duty of the Judge who finds any candidate guilty of a contravention of sections <sup>63</sup>183 and <sup>64</sup>184 of this Ordinance, or who condemns any person to pay any sum in the Supreme Court for any offence within the meaning of this Ordinance, to report the same forthwith to the Clerk of the Municipality wherein the offence has been committed. Judge to report to clerk of municipality

67. The clerk of every municipality shall duly enter in a book to be kept for that purpose, the names of all persons within his Municipality who have been adjudged guilty of any offence as aforesaid, and of which he has been notified by the Judge who tried the case. Clerk to record offences

68. Any witness shall be bound to attend before the Judge of the Supreme Court before whom the complaint is made upon being served with the order of the Judge directing his attendance, or his attendance with documents and upon payment of the same fees as are paid in civil cases for his attendance, or his attendance with documents in the same manner as if he had been directed by a writ of subpoena, or a subpoena *duces tecum* so to attend, and he may be punished for contempt and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with a writ of subpoena, or a writ of subpoena *duces tecum*. Compelling attendance of witnesses

69. All proceedings other than application in the nature of a quo warranto against any person for any violation of sections 184 and 185 of this Ordinance shall be commenced within thirty days after the municipal election at which the offence is said to have been committed, or within thirty days after the day of voting upon a by-law as aforesaid. Limitation of time for proceedings

## CONTROVERTED ELECTIONS.

**Election con-  
tested**      70. In case the validity of the election of mayor, reeve or councillor is contested, the same may be tried by a judge of any supreme court in chambers, and any candidate at the election or any elector who gave or tendered his vote thereat, or any member of the council, or any elector of the ward, or if there is no ward, of the municipality may be the relator for the purpose.

**Relator**

**Issue of writ**      71. If within six weeks after the election, or one month after the acceptance of office by the person elected, the relator shows by affidavit to any such judge reasonable grounds for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance before a judge or before a justice of the peace, or a commissioner for taking affidavits, in the sum of two hundred dollars, with two sureties to be allowed as sufficient by the judge upon affidavit of justification, in the sum of one hundred dollars each, conditioned to prosecute the writ with effect or to pay the party against whom the same is brought any costs which may be adjudged to him against the relator, the judge shall direct a writ of summons in the nature of a quo warranto to be issued to try matters contested.

**Questions for  
trial**      72. In case the relator alleges that he himself or some other person has been duly elected, the writ shall be to try the validity, both of the election complained of, and the alleged election of the relator or other person.

**Writ against  
several per-  
sons**      73. In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one writ against such persons.

**Several writs  
all tried be-  
fore same  
Judge**      74. When more writs than one are brought to try the validity of an election, all such writs shall be made returnable before the judge who is to try the first, and

such judge may give one judgment upon all, or a separate judgment upon each or more of them as he thinks fit.

75. The writs shall be issued by the clerk of the supreme court, and shall be returnable before the judge in chambers, at a place named in the writ, upon the eighth day after service, computed exclusively of the day of service, or upon any later day named in the writ. Issue and return of writ

76. The writ shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the judge, upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit. Service

77. The judge before whom the writ is made returnable or is returned, may, if he thinks proper, order the issue of a writ of summons at any stage of the proceedings, to make the returning officer or any deputy returning officer a party thereto. Returning officer may be joined

78. The judge before whom the writ is returned may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose, and any intervening party shall be liable or entitled to costs like any other party to the proceedings. Intervention

79. The judge shall in a summary manner, upon statement and answers without formal pleadings, hear and determine the validity of the election, and may by order, cause the assessment rolls, collector's rolls, list of electors and any other records of the election to be brought before him, and may enquire into the facts on affidavit or affirmation or by oral testimony. The hearing

80. In case the election complained of is adjudged invalid, the Judge shall forthwith, by writ, cause the person found not to have been duly elected to be removed, and in case the judge determines that any other person was duly elected, the judge shall forth- Procedure if election proved invalid

with order a writ to issue causing such other person to be admitted, and in case the judge determines that no other person was duly elected instead of the person removed, the judge shall, by the writ, cause a new election to be held,

Writ for new  
election

81. In case the election of all the members of a council be adjudged invalid, the writ for their removal and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the council, shall be directed to the sheriff of the judicial district in which the election took place, and the sheriff shall have all the powers for causing the election to be held, which a municipal council has in order to supply vacancies therein.

Disclaimer af-  
ter writ is-  
sued

82. Any person, whose election is complained of, may, unless such election is complained of on the ground of corrupt practices on the part of such person, within one week after service on him of the writ, transmit, post paid, through the Post Office, directed to "The Clerk of the Judicial District" who issued the writ, or may cause to be delivered to such clerk, a disclaimer signed by him to the effect following:

I, A. B., upon whom a writ of summons in the nature of a quo warranto has been served for the purpose of contesting my right to the office of councillor for the municipality of

do hereby disclaim the said office and all defence of any right I may have to the same.

Dated

day of

(Signed)

A. B.

Endorsement  
of disclaimer

83. Such disclaimer, or the envelope containing the same shall moreover be endorsed, on the outside thereof, with the word "Disclaimer," and be registered at the Post Office where mailed.

Disclaimer be-  
fore writ

84. Where there has been a contested election, the person elected may, at any time after the election and before his election is complained of, deliver to the clerk of the municipality a disclaimer signed by him as follows:



I, A. B., do hereby disclaim all rights to the office of councillor, for the Municipality of  
and  
all defence of any right that I may have to the same.

85. Such disclaimer shall relieve the party making it from all liability to costs, and where a disclaimer has been made in accordance with the preceding sections, it shall operate as a resignation, and the candidate, having the next highest number of votes, shall then become the councillor, or other officer, as the case may be. Effect of disclaimer

86. Every person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the council, and the clerk shall forthwith communicate the same to the council. Communication to council

87. No costs shall be awarded against any person duly disclaiming, unless the judge is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which case the costs shall be in the discretion of the judge. In all cases not otherwise provided for, costs shall be in the discretion of the Judge. Costs

88. The decision of the judge shall be final, and he shall immediately after his judgment, return the writ and judgment, with all things had before him, touching the same, except such as he may otherwise order into the court from which the writ issued, there to remain of record as a judgment of the said court, and he shall, as occasion requires, enforce such judgment by a writ in the nature of a writ of peremptory mandamus and by writs of execution for the costs awarded. Judge's decision final  
Enforcement of Judgment

89. The judges of the supreme court sitting in banc or a majority of them, may, by rules, settle the forms of the writs of execution, certiorari, mandamus and execution under this Ordinance, and may regulate the Forms and regulations of practice

practice respecting the suing out, service and execution of such writs, and the punishment for disobeying the same or any other writ or order of the court or judge, and respecting the practice generally, in hearing and determining the validity of such elections or appointments, and provide a tariff of costs thereon, and may from time to time rescind, alter or add such rules, but all existing rules shall remain in force until rescinded or altered as aforesaid.

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## PART 3.

## COUNCILS—DUTIES AND POWERS.

## CITIES AND TOWNS—ADDITIONAL POWERS.

## OFFICERS OF MUNICIPAL CORPORATIONS.

1. The first meeting of the council elected shall be held on the third Monday in January in each year and the council of the previous year shall hold office up to the first meeting of the new council, notwithstanding the fiscal year expires on the thirty-first day of December in each year, and in case of neglect or refusal of the electors in a municipality to elect a council, as hereinbefore provided, until a new council is appointed under the provisions of this Ordinance.

First meeting  
of council

Tenure of  
Office

2. The first council, if elected at any time after the first Monday in January, may, by resolution or by-law, alter, extend, or curtail the time within which, or at, before or after which, any act, privilege or duty is required to be done, exercised, or performed by such council, or any of its officers or any other person.

Limit or extension  
of time

3. The jurisdiction of each council shall be confined to the municipality for which it is elected, unless authority is given otherwise by law; and the powers of every municipality shall be exercised by the council.

Jurisdiction of  
council

4. A majority of the council shall be a quorum at any meeting, but when the council consists of only five members the concurrent votes of at least three shall be necessary to carry any resolution or other measure.

Quorum

5. Every municipality shall have jurisdiction over all highways within the same, and the Lieutenant-Governor may give a municipality jurisdiction over any highway, bridge, or stream dividing municipi-

Highways

palities, or adjacent thereto when not dividing municipalities, and may determine what portion of highway, bridge, or stream dividing municipalities shall be within the jurisdiction of each.

Cemetery grounds 6. Whenever the corporation of any Municipality acquires by purchase, donation or otherwise, any plot of land for Cemetery purposes outside of the limits of the Municipality, the provisions of Chapter 24 of "The Revised Ordinances of 1888," and amendments thereto cited as "The Cemetery Ordinance," shall apply mutatis mutandis to the said corporation, and the corporation may pass by-laws for raising money for improving, caring for and beautifying such land.

Sidewalks, etc. to be kept in repair 7. Every Municipality shall keep in repair all sidewalks, crossings, sewers, culverts and approaches, grades and other works made or done by its Council, and on default so to keep in repair, shall be responsible for all damages sustained by any person by reason of such default, but the action must be brought within six months after the damages have been sustained.

Limitation of action

Ferries and bridges 8. Municipalities may control and license Ferries and Bridges erected or authorized by them within their jurisdiction, and pass by-laws allowing the collection of tolls thereon for periods not exceeding five years.

Regulations 9. Every Council may make regulations and by-laws—not provided for by this Ordinance and not contrary to Law—for governing its proceedings, calling meetings, the conduct of its members, appointing committees, and generally such regulations as the good of the Municipality may require, and may repeal, alter and amend its own by-laws, except where by-laws are made for the purpose of raising money, levying assessments or striking rates.

Repeal or amendment of by-laws

Payment to councillors 10. Every Council may pass a by-law for paying the members thereof, which shall in no case exceed the sum of one dollar and fifty cents per day and ten cents

for every mile necessarily travelled coming to the business of the Council, provided that the number of days for which each Councillor shall be paid during the year for which he is elected shall not exceed ten.

11. The Council of every Municipality shall, on or before the 15th day of February, appoint as many assessors and collectors for the Municipality as may be necessary, also a treasurer and auditor or auditors; and may from time to time appoint road overseers, pound-keepers and constables.

Certain officer  
to be appointed

(1) If more than one assessor or collector be appointed, the Council shall assign to such assessors and collectors the district or districts within which they shall act.

12. All Municipal Officers, as aforesaid, shall hold office until removed by the Council, or as expressed in their appointments.

Tenure of  
office

13. No Municipal Council shall make any appointment to office or arrangement for the discharge of the duties thereof by tender or to applicants at the lowest remuneration.

No appoint-  
ments by  
tender

14. The municipal council, in addition to defining the duties of its officers, shall exact security from the treasurer and collector and such other officers as they may determine for the faithful performance of their duties, and it shall be the duty of every council at its first meeting, or within a reasonable time thereafter, to examine and renew the securities given by its officers.

Security from  
certain offi-  
cers

15. Municipal officers shall be liable for their acts, and for damages arising from their refusal or neglect to discharge their duties, to the municipality, in addition to penalties imposed for violation of any of the provisions of this Ordinance.

Liability of  
officers



## BY-LAWS.

- By laws      16. The council of every municipality may pass by-laws for:—
- Raising money      (1) The raising of its revenue by assessment on real and personal property and income; authorising the chairman and the treasurer to borrow from any person, or bank, or corporation, such sum of money as may be required to meet the expenditure of the municipality until such time as the taxes levied therein can be collected; but such sum of money so borrowed shall not exceed the estimated revenue of the municipality of the then current year and the collection and expenditure of the same:
- Cruelty to animals      (2) The prevention of cruelty to animals, not being inconsistent with any Statute or Ordinance in that behalf;
- Agricultural Societies      (3) Granting aid to agricultural societies;
- Agriculture      (4) The prevention or removal of abuses prejudicial to agriculture not otherwise provided for by law;
- Relief      (5) The relief of the poor;
- Police      (6) Appointing policemen, watchmen and patrols, and regulating and defining their duties and their remuneration.
- Health      (7) For providing for the health of the Municipality and against the spreading of contagious or infectious diseases.
- Health officers      (8) For appointing and defining duties of a board of health, health officers and scavengers.
- Tree planting      (9) The encouragement of the planting of trees on prairie lands, or highways, or other public places, and remuneration for the same by commutation of statute labor or otherwise, and providing for the protection thereof.

- 9 (10) Taking the census of the Municipality. Census
- 7 (11) Appointing such officials under such names as Officials  
the Council may deem necessary for the carrying out  
of the work of the corporation, defining their duties  
and providing for their remuneration.
- 13 (12) Laying out, opening, changing, closing, build- Roads and  
streets  
ing, extending and maintaining highways, roads,  
bridges, streets, alleys and by-ways, and to expropriate  
lands therefor and for selling, or otherwise disposing  
of the land comprised within any such highway, road,  
street, alley or by-way so closed.
- 13 (13) The erection of halls, lock-ups, weigh-houses, Buildings  
markets and such buildings as may be beneficial to  
the Municipality, and to expropriate lands therefor.
- 24 (14) The establishment and regulation of public Markets,  
Weights and  
Measures  
markets and imposition of penalties for light weights,  
short measurement and any breach of contract in  
public markets, and restraining or preventing selling  
on the streets.
- 15 (15) Establishing municipal scales for weighing or Scales  
measuring, and compelling the weighing or measuring  
thereon or thereby of anything sold by weight or  
measurement in the public market, and establishing  
and regulating the fees to be paid for weighing or  
measuring on such scales, and compelling dealers in  
coal to weigh upon such scales all coal sold by them,  
if requested to do so by the purchaser.
- 26 (16) Purchasing, controlling, erecting, or establish- Parks  
ing parks:
- 5 (17) Erecting lamp posts and lamps, and providing Lighting  
for lighting the municipality or parts thereof;
- (18) Making and regulating the use of public wells Water supply  
cisterns, and reservoirs;
- 17 (19) Regulating the size and number and construc- Public  
Buildings

tion of doors in churches, theatres and halls or other places of public worship, public meetings, or places of amusement, and the street gates leading thereto, and also the size and structure of stairs and stair railings in all such buildings, and the strength of beams and joists and their supports:

Sewer, etc.

(20) Controlling and constructing sewers, drains, ditches, and water courses, and regulating and preventing the obstruction of the same: building and repairing sidewalks, preventing the leading, riding, or driving of cattle or horses thereon, and compelling persons to remove and clear away all snow, ice, and dirt and other obstructions from the sidewalks adjoining the premises owned or occupied by them:

Sidewalks

Waterworks

(21) Building waterworks and regulating the same, but not granting exclusive privileges for the same;

Gas

(22) Authorising any corporate gas or water or gas and water company to lay down pipes or conduits for the conveyance of gas or water or both, under streets, squares, and other public places, subject to such regulations as the council may make;

Fire protection

(23) Contracting with any Water Works or Water Company for a supply of water within the Municipality for fire purposes and other public uses for hydrants or otherwise, as may be deemed advisable, and for the renting of any such hydrants for any number of years not in the first instance exceeding ten, and renewing any such contract from time to time for such period not exceeding ten years as such Council may desire, and every such Council shall also have power to purchase hydrants necessary for any of the purposes or uses aforesaid, and also to erect the same; and purchasing or renting for a term of years or otherwise, fire apparatus of any kind, and fire appliances and appurtenances belonging thereto respectively.

Nuisance

(24) Compelling the removal of dirt, filth, dust or rubbish off the highways, streets, lanes, alleys or byways by the party depositing the same, or by the

owner or occupant before whose property it is, or in default, removing the same at his expense ; compelling the removal of anything deemed dangerous to the lives of the inhabitants ; preventing and regulating the construction of privy vaults and water closets, and providing for keeping the same in a proper state of cleanliness and repair ; preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances ; and preventing and abating nuisances generally.

- 30 (25) Preventing the incumbering of streets or other public places by vehicles, agricultural imple- Obstructions  
ments, lumber and other articles :
- 30 (26) Regulating the rate of pace of riding or driv- Driving  
ing within the Municipality or any part thereof :
- 31 (27) Regulating the keeping and transporting of Combustibles  
gun-powder and other combustible or dangerous materials.
- 32 (28) Preventing the defacing of private or other Defacing pro-  
perty  
property by printed or other notices :
- 33 (29) Regulating the rate or pace of riding or driv- Bridges  
ing on bridges, and the number of horses, sheep or Traffic  
cattle to be crossed thereon ;
- 34 (30) Licensing, regulating and governing transient Transient  
traders  
traders and other persons who occupy premises for temporary periods and whose names have not been duly entered on the assessment roll, in respect of income or personal property for the current year, and for fixing the sum to be paid for a licence for exercising any and all such callings within the municipality and the time such licence shall be in force.
- 35 (31) Licensing, regulating and governing all per- Billiard  
licenses  
sons who keep or have in their possession or on their premises any billiard, pool or bagatelle table in a house or place of public entertainment, whether such table

be used or not, and for fixing the sum to be paid for a licence for each such table, and the time such licence shall be in full force.

Refreshment  
houses

(32) For limiting the number of and regulating victualling houses, ordinaries, and houses where fruit, oysters or victuals or liquid refreshments are sold to be eaten or drunk therein, and all other places for reception, refreshment or entertainment of the public, and for licensing the same, and for fixing the rate for such licences, not exceeding one hundred dollars per annum.

Exhibitions,  
shows, etc.

(33) For preventing or regulating and licensing exhibitors of wax works, menageries, circuses, shows, theatres, caravans, and for requiring the payment of licence fees for authorizing the same, not exceeding five hundred dollars per day, and for imposing fines on persons for infringing such by-laws to the amount of fifty dollars over and above the amount of the licence fee, and such fine and costs and fee may be levied by sale of the goods of the showman or the goods belonging to or used in connection with the show or exhibition, whether owned by the showman or not, and in addition the offender may be imprisoned for six months.

Amusements  
halls

(34) For preventing or regulating and licensing exhibitions held or kept for hire or profit, halls, opera houses, bowling alleys and other places of amusement.

Hawkers and  
peddlers

(35) For the licensing, regulating and governing hawkers or peddlers or petty chapmen and other persons carrying on petty trades or who go from place to place or to other men's houses on foot or with any animal bearing or drawing any goods, wares or merchandise for sale, and for fixing the sum to be paid for a licence for exercising such calling within the City and the time it shall be in force.

Licensing cer-  
tain places  
and occupa-  
tions

(36) For the controlling, regulating and licensing livery stables and sale stables, telegraph and telephone companies, telegraph and telephone offices, insurance



companies, offices and agents, real estate dealers and agents, intelligence offices and employment offices or agents, butcher shops or stalls, skating, roller or curling rinks, and all other business industries or callings carried on or to be carried on within the Municipality, or commercial travellers or other persons selling goods, wares, merchandise or other effects of any kind whatsoever, or offering the same for sale by sample cards, specimens or otherwise, for or on account of any merchant, manufacturer or other person selling directly to the consumer not having his principal place of business in the Municipality and collecting license for the same.

37. Licensing porters, water dealers, milk dealers or carriers, or common carriers, draymen, hackmen, omnibus drivers and guides, and regulating the same; Other occupations

[a] And for fixing the sum to be paid for license for exercising any or all such callings within the municipality and the time the license shall be in force. Fees for and duration of license

[b] The power <sup>hereinbefore</sup> ~~hereinafter~~ contained to license and regulate porters, water dealers, carriers, draymen, hackmen, omnibuses and guides, shall extend to and include all those who carry on business as such partly within and partly without the municipality, or who carry or convey goods or persons from any place outside the municipality to any place within the same, or from within such municipality to any place beyond the limits thereof. Persons within license

16 (38) Re-training and regulating the running at large of dogs, and imposing a tax on the owners, possessors or harborers of dogs; and killing dogs running at large; Dogs

48 (39) Regulating the assize of bread, and preventing the use of deleterious materials in making bread, and providing for the seizure and forfeiture of bread made contrary thereto; Bread

- Rebate on taxes** (40) Allowing a rebate on all taxes paid before a time to be named in the by-law : such rebate shall not exceed ten per cent. and the time fixed by the by-law shall not be less than thirty days from the passage of the by-law.
- Exemption** (41) Exemption from taxation for the then current year.
- Bitto** (42) Exemption from taxation for a longer period than one year subject to ratification, as hereinafter provided :
- Bonuses** (43) Granting bonuses to manufactories, mills, railways, or any works of a public nature subject to ratification by the ratepayers as herinafter provided.
- Mills, etc.** (44) Building, owning, or operating grist mills, elevators, and manufacturing establishments, subject to ratification, as hereinafter provided :
- Prairie Fires** (45) Preventing the spread of prairie fires in the municipality ;
- Fireprotection** (46) Establishing a fire department, appointing the officers thereof, regulating and providing their remuneration, and prescribing their duties.
- do.** (47) Providing protection from fire by the purchase of engines and equipment.
- do.** (48) Compelling the inhabitants to assist and aid in the extinguishment of fires: pulling down and raising buildings in the vicinity of fires for the purpose of preventing the spreading of the same.
- do.** (49) Regulating fire districts.
- Fire limits** (50) Regulating the erection of buildings and preventing the erection of wooden buildings or additions thereto and wooden fences in specified parts of the Municipality, and prohibiting the erection or placing of buildings, other than with main walls of brick, iron,

concrete or stone, and roofing of incombustible material, within defined areas of the Municipality, and regulating the construction of chimneys as to dimensions and otherwise and enforcing the proper cleaning of the same, and authorizing the pulling down or removal, at the expense of the owner thereof, of any building or erection which may be constructed or placed in contravention of any by-law.

(51) Generally establishing such measures as the <sup>Fires</sup> safety and welfare of the Municipality may require for the prevention and extinguishment of fires.

(52) Appointing and regulating the remuneration, <sup>Pound keepers</sup> fees, charges and duties of poundkeepers, and the security to be given by them for the performance of the same.

(53) Providing sufficient yards, buildings and en- <sup>Pound</sup> closures for the use of poundkeepers, and for the safe-keeping of such animals as it may be their duty to impound.

(54) Restraining and regulating the running at <sup>Animals at large</sup> large or trespassing of any animals or fowls, and providing for impounding them and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fees and expenses are not paid.

(55) Providing for the appraisement of damages to <sup>Damages</sup> be paid by the owners of animals impounded for trespassing.

(56) Determining the compensation to be allowed <sup>Compensation</sup> for services rendered in carrying out the provisions of any by-law with respect to animals impounded or distrained and detained in the possession of the distrainer.

(57) Compromising on such terms as may be agreed <sup>Compromising taxes</sup> upon for the payment of arrears of taxes.

**Noxious weeds** (58) Compelling the destruction of noxious weeds and plants by the owner or occupant of the premises upon which the same may be grown or standing or, in default, destroying or removing the same at his expense.

**Fences** (59) Declaring what shall constitute a legal fence within the municipality.

**Road commis-  
sioners** (60) Appointing one or more road commissioners and defining their duties.

**Nuisance  
grounds** (61) The purchase or otherwise acquiring and holding any lands situated outside the limits of the municipality which may be required for a nuisance ground for the purpose of disposing of the sewage, and other refuse of such municipality.

**General** (62) Generally to make and establish all such by-laws for the government and good order of the municipality, and the suppression of vice and immorality, protection of property, and the promotion of health not inconsistent with the law.

**Sinking fund  
investment** (63) In addition to the powers already granted, municipalities may, if any part of the moneys held by them to the credit of a sinking fund account, cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable, invest the same from time to time in Dominion Government Securities.

(64) On receipt of a petition signed by the majority of the ratepayers of any registered townsite situate within any municipality, prohibiting the discharge of firearms within a portion, or all of the area covered by said townsite.

**Licenses** 17. In all cases in which in this Ordinance it is provided that the Council may license any business, building, calling, trade or occupation, or the keeper of any articles or animals for use or hire, the Council shall also have full power and authority by by-law to

provide regulations in connection therewith and governing the conduct of same, and providing the manner of collecting of such licenses, and providing penalties for not having such license, and for breach of conditions on which such licenses are issued, and also for fixing fees to be charged for such licenses, and regulating the prices or fees to be charged by the holders of such licenses, and providing for the collection or payment of the same, and generally for the protection of those persons holding licenses.

173 18. The imposing or collecting of license fees shall not in any case be held to prevent the assessing of property used by license holders in the same manner as other property, and collection of taxes thereon. Effect of License

19. Whenever any Municipal Council has any authority to direct, by by-law or otherwise, that any matter or thing shall be done by any person or corporation, such Council may also, by the same or another by-law, direct that in default of its being done by the person or corporation, such matter or thing shall be done at the expense of the person or corporation in default, and the Municipality may recover the expense thereof, with costs, by action in any Court of competent jurisdiction. Non performance of requirements of by-law

20. In case the majority of the resident ratepayers of any portion of a municipality divided into "Lots," petition the Council thereof, setting forth the desire of such resident ratepayers to incur a debt or liability repayable in the financial year, the Council may by by-law levy a special rate against all the property within the area (which shall be described in the petition) as set forth in such petition, and such rate shall be collectable as all other rates assessable by the Municipality. Special rate

#### ADDITIONAL POWERS TO CITIES AND TOWNS.

21. The several provisions of this Ordinance, and forms in the appendix thereto mutatis mutandis, relating to municipalities generally, and all the powers Application of Ordinance



conferred and duties imposed upon municipalities, the councils and officers thereof, except herein otherwise provided shall apply to city and town municipalities, as if in each instance specially enacted: and the word "Reeve" wherever used in this Ordinance shall, in an incorporated city or town mean the mayor.

City or town      22. The council of a city or town municipality may, in addition to its other powers, pass by-laws for:

Hospitals      23. (1) The erection and regulation of hospitals or granting aid to same.

Streams      24. (2) Preventing the putting of anything prejudicial to health in any stream or body of water within the city or town, or from which water is supplied for any purpose.

Burial      25. (3) Preventing the burial of the dead within the municipality.

Municipality  
may take  
interest in  
mills, etc.      26. (4) Building, erecting, or buying, or leasing, controlling and operating, telephone plant, electric light and power plant, gas and water works plant, or purchasing stock in any incorporated company carrying on or formed for the purpose of carrying on any of the said businesses, subject to the ratification of ratepayers.

Powers as to  
same      [a] For all purposes connected with the carrying on of any of the above works, the municipality is hereby authorised to purchase any lands either within or without the limits of the municipality and to enter into any contract necessary for the proper carrying on of said businesses, and generally to conduct said works and businesses arising in connection therewith either by the council or by commissioners, or agents appointed for the purpose, as fully and freely and with all the power and rights they would have if specially incorporated for the purpose of carrying on said business.

[b] In case the municipality engage in any of the businesses heretofore referred to the council shall have power to appoint by by-law, commissioners for the purpose of carrying on such businesses or any of them and all necessary contracts in connection therewith may be done and performed in the name of the said commissioners who shall be called "electric light commissioners, telephone commissioners" or as the case may be, and by that name shall have all the powers for properly carrying on the business, which is herein granted to the municipality.

42 (5) For licensing and regulating pawn shops, junk stores or shops and second-hand stores or shops, and fixing the amount to be paid for license for same and the time such license shall be in force. Pawn shops

43 (6) For regulating and licensing scavengers and bill-posters and preventing the pulling down or defacing of sign boards or written or printed notices lawfully affixed. Scavengers  
Bill posters

44 (7) For compelling people to remove all snow and ice from the roofs of the premises owned or occupied by them, and to remove and clear away all snow, ice dirt and other obstruction from the sidewalks adjoining such premises, and also to provide for the cleaning of sidewalks adjoining vacant property of non-residents and the property of any other persons who for twenty-four hours neglect to clean the same and in case of non-payment of the expenses thereof by the owner or occupant, charging the same against the property as a special assessment to be recovered in like manner with the other taxes. Removal of  
Sidewalk ob-  
structions

45 (8) For directing the removal of doorsteps, porches, railings or other erections or obstructions projecting into or over any sidewalk, street or any other public place at the expense of the proprietor of the property connected with which such projections are found and assessing said expense if not paid against said lot or property. Dangerous  
projections

Telegraph  
poles

47 [9] For regulating and preventing the erection and maintenance within the limits of the Municipality of telegraph, telephone, electric light or power poles and wires, or to cause such poles to be removed.

Railroad  
Tracks  
Compensation

77 (10) For sanctioning and permitting the track of any railroad to be laid in, on, or along any street or avenue in the Municipality, and to provide compensation for any damage that may be done to the property on said streets or avenues. The amount of said damage [if any] to be settled in the manner provided herein in regard to the expropriation of land; and to regulate the use of locomotive engines and of steam or other motor power on any or every portion of any railroad within the Municipality and to provide and regulate the speed of cars upon any and every part of any railroad within the Municipality, and to impose a penalty not exceeding five hundred dollars for any breach of said by-law.

Regulation of  
Speed, etc.

80

[11] For regulating the rate of speed of railway trains and engines along or across any of the streets or avenues of the Municipality, and preventing the obstructing of any streets or avenues by leaving, keeping or allowing to stand thereon any engine, train, car or cars or truck for a longer period than five minutes at a time, and preventing the loading or unloading of any car or truck along side or from any street crossing or sidewalk in the Municipality and blowing of whistles or ringing of bells while the engine is going along or across any street or avenue, except under conditions mentioned in by-law, and imposing a penalty for breach of said by-law not exceeding five hundred dollars.

Service on rail-  
road Co.

[a] In any proceedings taken for infraction of by-laws passed under the two preceding Subsections, service of necessary documents upon any resident employee of the railroad shall be good service upon the owners of the railroad, and both the owners of the railroad and the persons in charge of the engine, car, truck or train, shall be liable for the penalty provided in by-law, and proceedings may be taken against either or both.

Liability

- 49 [12] Regulating the sale of any articles used for <sup>Inspection of food</sup> food or drink and providing for inspection of same, and for seizure and forfeiture of articles offered or exposed for sale contrary thereto.
- 54 (13) Providing for lighting the Municipality or any <sup>Lighting</sup> portion thereof in any way the Council may appoint, and providing and erecting the necessary plant therefor, subject to ratification by electors.
- 58 (14) Authorizing the Mayor and the Clerk to sign <sup>Contract for light and water</sup> any contract with any person or corporation to supply light or water for the use of the Corporation for any period not exceeding five years.
- 68 (15) For appointing street and building inspectors <sup>Street and building inspectors</sup> and providing their duties, and for providing for the summary removal of any pole or wire or other obstruction from the street, or for the pulling down and <sup>Obstructions</sup> removal of any building or other erection within the Municipality which shall be deemed dangerous by such inspectors.
- 71 (16) To construct through, over and above lands <sup>Sewers</sup> lying beyond or outside of the limits of the municipality such drains and sewers as may be deemed expedient to secure the proper drainage of said municipality and the disposal of the sewerage thereof.
- 72 (17) To open streets or lanes through any lands <sup>Open and close streets and lanes</sup> within the said municipality upon receiving the consent of two-thirds of the land owners, whose lands are affected by such openings, and to close or change streets or lanes or portions thereof now opened upon receiving the consent of two-thirds of the owners of the land facing the street or lane or portion thereof proposed to be dealt with.
- 73 (18) To widen any street or any part thereof by adding thereto a portion of the lots facing thereon on either or both sides thereof on receiving a petition requesting the same signed by the owners of two-thirds of the lots facing said street or portion affected and <sup>Widening streets</sup>

said lots being valued by the last revised assessment roll at least two-thirds as much as the total assessment of all the lots affected.

Name or number streets (19) To name or number the streets or avenues and to change the names and numbers, or any of them, of streets and avenues now existing or hereafter laid out within the municipality.

Street railways (20) To authorise any corporate street railway or railways or tramway company to lay down tracks and operate their railway or tramway upon any of the streets, avenues, squares, or other public places of the municipality, subject to such regulations as the council may make for any period not exceeding ten years, and to make regulations in respect to same and for protection of same.

Fire walls (21) To build fire walls under the provisions of Part seven of this Ordinance.

do. (22) To authorise the building of fire walls and granting bonuses for the same.

Debentures (23) Issuing debentures for any or all the puposes mentioned in the preceding sections, with or without interest payable at such times and in such amounts as the council may think proper and for handing such debenture to any such company or to trustees on such conditions as may be provided by the law ; provided that the powers granted by this and the preceding two sections shall not be exercised until a by-law shall have been submitted in the manner herein provided for by-laws requiring the consent of ratepayers.

#### MAYOR OR REEVE.

Duties of  
mayor or  
reeve

23. The mayor or reeve shall preside at all meetings of the council, preserve order, and enforce the rules of the council, sign all orders or cheques on the treasurer duly passed by the council: be vigilant and active at all times in causing the by-laws of the municipality to be put in force and duly executed; in-



spect and report to the council on the conduct of the officers of the municipality; cause, as far as may be in his power, all negligence, carelessness, or violation of duty, to be prosecuted and punished; communicate from time to time to the council any information and make such recommendation as will tend to the improvement of the finances, health, security, and comfort of the municipality.

24. The mayor or reeve shall call special meetings<sup>Special meetings</sup> of the council whenever requested to do so by a majority of the same in writing; and all the members thereof shall be duly notified of the time and place of holding the same at least two days previous to the holding thereof. Except in the case of cities or towns, where a simple notice of the time and place of holding the same shall be deemed sufficient.

25. The mayor or reeve at any meeting of the council may vote with the other members of the council on all questions; and any question on which there is an equality of votes, shall be deemed to be negatived.<sup>Mayor may vote</sup>

26. In the event of the absence of the mayor or reeve from any meeting, the council shall elect another from amongst themselves, who shall have all the powers of the mayor or reeve at such meeting.<sup>Absence of mayor</sup>

#### ALDERMEN AND COUNCILLORS.

27. Municipal aldermen and councillors shall hold office as provided in this Ordinance except where the first election for the municipality takes place after the thirtieth day of June, in which case the members of council elected thereat shall hold office until the first meeting of their successors duly elected.<sup>Tenure of office</sup>

28. In case of the death or removal of any member of a council or in the event of a vacancy occurring in the council from any cause whatsoever, the council at its next meeting shall order an election, and the mem-<sup>Filling vacancies</sup>

ber so elected shall hold office for the unexpired period of the member, whose place he was elected to fill.

**Absence of Councillor** 29. In the event of any member of a council refusing or neglecting to attend the meetings of the council for three months, his seat shall be declared vacant, unless he shall have received permission to absent himself from the council by a majority vote of the same at a regular meeting of the council, which permission shall in no case be for a longer period than six months.

#### THE CLERK.

**Appointment** 30. The Council at its first meeting shall appoint a Clerk who shall hold office during pleasure.

**Clerk's duties** 31. The Clerk shall attend all meetings of the Council, truly record all resolutions, decisions, and other proceedings of the Council, and, if required by the Council, shall record the name of every member voting, and whether aye or nay, on any question coming before the Council; he shall keep the books, records and accounts of the Council and shall preserve and file all accounts acted upon by the Council, and shall keep the original or certified copies of all by-laws of the Council as directed by by-law.

**Clerk to prepare collector's roll** 32. The Clerk shall make a collector's roll or rolls, as the case may be, containing columns for all information required by this Ordinance to be entered by the Collector therein, in which he shall set down in full the name of every person assessed, his post office address, as shown by the assessment roll, and the assessed value of his real and personal property and taxable income, as ascertained after the final revision of the assessment roll; and shall calculate and set down opposite the name of each party so assessed and under the columns headed "Statute Labor Fund," "Special Rates," "Debenture Fund," "Local Rate," and "School Rate," or as the case may be, the sum for which he is chargeable on account of such rates and

in the column headed "Total," the total amount of rates for which he is liable; and the Clerk shall deliver the roll certified under his name to the collector, or collectors, on or before the first day of September, or such other day as may be prescribed by by-law or resolution of the Municipality.

33. The Clerk of rural\* municipalities shall also make out a roll, which shall be a copy of the non-resident land assessment roll as finally revised, and shall enter therein opposite to each lot or parcel of land all the rates or taxes with which the same is chargeable for the current year, in separate columns, and shall deliver the same to the Treasurer on or before the first day of September, or as may be prescribed by by-law or resolution of the Municipality.

34. The Clerk shall, at the meeting of the Council immediately following the receipt of the auditor's report, submit the same to the Council, who shall finally audit and pass the accounts of the Treasurer and collectors and all other accounts chargeable against the Municipality, and in case of charges not regulated by by-law, the Council shall allow what is reasonable.

35. The Clerk shall, within one week after the final revision of the assessment roll, deliver to the road overseer or road overseers appointed by the Council, a list of all parties assessed and liable for statute labor within their respective divisions, and the amount of statute labor for which each of such parties is liable.

#### THE TREASURER.

36. Every municipal council shall by by-law appoint a treasurer, who may be paid by salary, and every treasurer, before entering upon the duties of his office, shall give such security as the council directs for the faithful performance of his duties, and especially for accounting for and paying over all moneys which may come into his hands; and it shall be the duty of every council in each and every year to renew the security of the treasurer for the ensuing year.

Treasurer's  
duties

37. The treasurer shall keep regular books of account in such manner as may be directed from time to time by the council, and shall show faithfully all moneys received and how expended, having each item posted in the ledger to the separate accounts of receipt and expenditure, as agreed upon by the council in making their estimates for the year, or as directed by the council, and he shall exact and retain vouchers for all moneys paid, and he shall prepare and submit to the Council at least once in every month a correct statement of the moneys received and for what paid out and the balance at the credit of the Municipality.

Receipt and  
disbursement  
of funds

38. The Treasurer shall receive and safely keep all moneys belonging to the Municipality, and shall pay out the same in such a manner as the laws of the Territories and the lawful by-laws or resolutions of the Council of the Municipality whose officer he is, direct: but no member of the Council shall receive any money from such Treasurer for any work performed or materials supplied under any special contract with the Municipality, except as remuneration for services authorised by this Ordinance.

Payment of  
arrears

39. After the Collector's roll has been returned to the Treasurer, arrears of taxes may be paid to such Treasurer, and thereafter no more money on account of the arrears then due upon said roll shall be received by any other officer of the Municipality than the Treasurer, who shall receive payment of such arrears, and of all taxes of lands of non-residents, and on payment give a receipt therefor, specifying the amount paid, for what period, the description of the lot or parcel of land and the date of payment.

Arrears

Interest

40. On the first day of May in every year the Treasurer shall add any arrears that may appear to be due upon any parcel of land to the arrears already returned and also six per centum on the whole amount then due.

Part payment  
of taxes

41. The treasurer shall not receive any part of the tax charged against any parcel of land unless the

whole of the arrears then due is paid, or satisfactory proof is produced of the previous payment, or erroneous charge of any portion thereof; but if satisfactory proof is adduced to him that any parcel of land on which taxes are due has been subdivided, he may receive the proportionate amount of taxes chargeable upon any of the sub-divisions, and leave the other subdivisions chargeable with the remainder, and the treasurer may, in his books, divide any piece or parcel of land which has been returned to him in arrear for taxes into as many parts as the necessities of the case may require.

42. The treasurer shall, on demand, give to the owner of any land charged with arrears of taxes a written statement of the arrears at that date certified under his hand, and he may charge twenty cents for the search on each separate lot or parcel not exceeding four, and for every additional ten lots or parcels a fee of twenty cents. Certificate as to taxes

43. The treasurer shall not be required to keep a separate account of the several distinct rates which may be charged on lands, but all arrears, from whatever rates arising, shall be taken together and form one charge on the land. Arrears

44. The treasurer shall not be eligible as auditor. Auditor

45. It shall be the duty of the treasurer to see that moneys collected under by-law for the purpose of payment of interest on debentures issued by the municipality or providing for a sinking fund for the same, are properly applied: and the council of any municipality carrying a sinking fund for the redemption of its debentures may invest the same in school debentures of any school district in the Territories, or debentures of any other municipality than their own, lawfully issued, and all moneys belonging to such sinking fund, while not otherwise invested, shall be deposited in some chartered bank of Canada, in the name of the treasurer and chairman of such municipality jointly. Payment of interest on and redemption of debentures



**Treasurer vacating office** 46. In case any Treasurer dies, resigns, is dismissed from office or absconds, it shall be lawful for his successor to draw any moneys belonging to the Municipality, deposited to the credit of such Municipality with any bank or private individual.

## AUDITORS.

**Auditor** 47. No one shall be appointed as Auditor who is, or who during the preceding year was a member of the Council, or officer of the Municipality, or who had during such preceding year either directly or indirectly a share or interest in any contract with, or on behalf of, the Municipality, except as Auditor.

**Persons disqualified**

**Auditor's duties** 48. The Auditor shall examine and report upon all accounts affecting the Municipality or relating to any matter under its control or within its jurisdiction for the year ending on the thirty-first day of December preceding his appointment.

**Further** 49. The auditor shall prepare an abstract of the receipts, expenditures, assets and liabilities of the Municipality, and also a detailed statement of the said particulars in form as the Council may direct, and shall make a special report of any expenditure made contrary to law and shall file the same in the office of the Clerk of the Municipality and publish the same in a newspaper, and thereafter any inhabitant or ratepayer of the Municipality may inspect the said report and may by himself or agent, at his own expense, take a copy thereof or extracts therefrom.

**Publication of accounts** 50. The Council of every Municipality shall, not later than the 15th day of January in each year, cause to be published within the Municipality a statement of receipts, expenditures and liabilities of the Municipality for the previous year.

**Final audit** 51. The Council shall, upon the report of the Auditor, finally audit and allow the accounts of the Treasurer and Collectors, and all accounts chargeable against the Municipality; and in case of charges not

regulated by law the Council shall allow what is reasonable.

#### ROAD OVERSEERS.

52. It shall be the duty of the road overseer, so soon <sup>Statute labor</sup> thereafter as convenient after having received from the clerk of the municipality a list of parties liable for the performance of statute labor, to notify and require them respectively to meet him at a certain time and place to perform the labor imposed upon them by the council, but no person shall be compelled to do statute labor further than four miles from his home.

53. All statute labor imposed by this Ordinance <sup>Performance</sup> shall be performed under the direction of the road overseer, who shall be liable to the council for the due performance of the same, and shall report to the council any refusal or neglect of parties assessed to perform the labor imposed upon them.

54. Any person liable for the performance of <sup>Penalty for neglect</sup> statute labor, except as hereinbefore provided, neglecting or refusing to perform the same when directed so to do by the road overseer, shall be liable to a penalty of four dollars per day, for every day of statute labor imposed upon him, which he shall so neglect or refuse to perform, which penalty may be recovered in a summary manner before a justice of the peace.

55. All statute labor to be done under this Ordinance shall be performed on the public roads of the municipality, or on the bridges, drains, ditches or water courses therein, to benefit and improve the same, or as may be determined by the council. <sup>Where to be Performed</sup>

## PART 4.

## ASSESSMENT AND COLLECTION OF TAXES.

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1.—PROPERTY LIABLE TO TAXATION.

2.—EXEMPTIONS.

3.—ESTIMATES AND RATES.

4.—SINGLE TAX.

5.—ASSESSORS AND THEIR DUTIES.

6.—COURT OF REVISION.

7.—COLLECTORS AND THEIR DUTIES.

8.—STATUTE LABOR AND POLL TAX.

Taxes to be  
levied equally

1. All municipal, local or direct taxes or rates shall, where no other express provision has been made in this respect, be levied equally upon the whole ratable property, real, personal and income of the Municipality, according to the assessed value of such property and income and not upon any one or more kinds of property in particular, or in different proportions.

Taxable  
property

2. All land and personal property and income in the Territories, shall, where no other express provision has been made in this respect, be liable to taxation, subject to the exemptions hereinafter mentioned.

Railway  
property

3. The real estate and personal property of all railway companies liable to assessment is to be considered as the property of ratepayers within the Municipality.

## WHEN CROWN LANDS ARE SUBJECT TO TAXATION.

4. Crown lands, occupied, whether under right of purchase or homestead or pre-emption entry, and unpatented lands vested in or held by Her Majesty, which may be hereafter or may have been heretofore sold, or agreed to be sold, to any person or corporation, or which may be located as a free grant, homestead or pre-emption, shall be liable to taxation from the date of such homestead, or pre-emption entry, location, sale or grant: and all such lands shall be liable to taxation thenceforward under this Ordinance, in the same way as other land, whether any license of occupation, certificate of sale, or receipt for money paid on such sale, has, or has not been, or is, or is not issued, and in case of sale or agreement for sale by the Crown, whether any payment has, or has not, been, or is, or is not, made thereon, and whether any part of the purchase money is, or is not overdue; but such taxation shall not in any way affect the right of Her Majesty in such lands.

Crown lands  
assessable in  
certain cases

5. And whenever any portion of a ranche is within the limits of a municipality, the leased property belonging to the lessee of such ranche within the municipality shall be liable to taxation.

Ranching  
lease

## EXEMPTIONS.

6. The following shall be exempted from taxation:—

(1) All property held by Her Majesty or specially exempted by the Parliament of Canada or for the public use of the Government of the Territories;

Exemptions  
or exempted  
crown prop-  
erty

(2) All property held by, or in trust for, the use of any tribe of Indians or the property of the Indian Department;

Indian uses

(3) Where any property mentioned in the preceding clauses is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in

Exception

respect thereof, but the property itself shall not be liable;

## Schools

(4) The lands not exceeding one half acre and the buildings thereon of all public schools, universities, collegiate institutes, or incorporated seminaries, being public property, so long as such property is actually used or held for educational purposes:

## Municipal property

(5) All property belonging to the Municipality, when held or occupied or in the use of the corporation and the personal property belonging to the same:

## Jails and Court Houses

(6) Jails, court houses and the necessary land attached thereto:

## Libraries

(7) The books of every public library:

## Income

(8) The income of a farmer derived from his farm, and the income of merchants, mechanics and other persons, derived from capital liable to taxation:

## Effects

(9) Household effects of every kind (except in unlicensed hotels and restaurants) books and wearing apparel in use:

## Increased value

(10) The increase in the value of any land by reason of the annual cultivation thereof together with the growing crops:

(11) All works constructed, operated and used in connection with irrigation ditches as well as the ditches themselves operated under, and subject to the provisions of the "North-West Irrigation Act." Provided however, should any such works be not operated during any one year, then said works and ditches shall not be exempt from taxation during the year.

## Personal property

(12) Personal property to the amount of \$300.00 *other than income.*

## ESTIMATES.

## Estimates

7. The council of every municipality shall every



year, on or before the fifteenth day of July, make estimates of all sums which may be required for the lawful purposes of the municipality for the year, or that part thereof for which the sums are required to be levied, making due allowance for the cost of collection and abatement and losses which may occur in the collection of the taxes on the lands of non-residents.

#### RATES.

8. The council of the municipality shall pass a by-law<sup>Rates</sup> authorizing the levying and collecting of a rate or rates of so much in the dollar of the assessed value of the property therein as the council deems sufficient to raise the sum required in such estimates, including improvement tax, general fund, local fund, and school rates, together with interest on the debt and sinking fund shall not exceed two and a half cents on the dollar, except as provided for in Section next succeeding.

#### SINGLE TAX. (Optional).

9. The council of a municipality may by by-law<sup>Taxation by land val</sup> authorize the levying and collecting of a rate or rates of so much on the dollar based upon the actual value of all lands (without improvements) in the municipality, as the council deems sufficient for the current year to raise the sum required in their estimates, but in no case shall the rate imposed exceed four cents on the dollar of the assessment in any one year, including general, school, special and debenture rates.

10. The adoption of the preceding section by any municipality shall be optional, which must be decided by a two-third majority of the members of the council, or upon receipt of a petition signed by one-half of the resident ratepayers of the municipality the council shall adopt and carry into effect the provisions of the preceding Section.

11. This system of assessment shall become permanent after a petition signed by one-half of the resi-

dent ratepayers has been presented for two years in succession. On a petition signed by one-half of the resident ratepayers the trustees shall direct the assessor to revert to the former system of taxation.

#### SCHOOL TAXES.

Collection of  
school taxes

12. The trustees of any school district, any portion of which is situated within a municipality, may demand of the council of the municipality that the amount for which the school district, or the part thereof situated within the municipality, is liable for school purposes, shall be imposed and collected by the municipality, and the lands and property of persons liable for such amounts shall be assessed, and the same shall be collected as other rates by the municipality.

Insufficiency

13. If the amount collected falls short of the sum required, the council may direct the deficiency to be made up from any fund belonging to the municipality, except sinking funds to retire debentures.

How supplied

14. If there be no unappropriated funds, the deficiency may be deducted from the sums estimated as required, or from any one or more of them, but not from the estimates supplied by the school trustees.

Excess

15. Should the amount collected exceed the estimates, the sum in excess shall be paid over to the treasurer of the school board.

Special rate  
not required

16. In cases where the amount collected has been on account of some special purpose, and is not required for such purpose, it shall also form part of the general fund of the municipality.

#### TAXES WHEN DUE.

Taxes due  
when

17. The taxes or rates imposed in any year shall be deemed to be due on the first day of January of the then current year.

Extension of  
time

18. The council may, from time to time, extend the

time at which all taxes shall be paid, but not beyond the first day of March following the year for which the assessment was made.

#### RURAL ASSESSMENT.

19. The council of any rural municipality may by resolution decide, that an assessment may be used to strike rates therefrom for three years consecutively and no longer. Assessment rural municipality

#### APPOINTMENT OF ASSESSORS AND COLLECTORS

20. The council of every municipality shall appoint on or before the fourteenth of February in each year, such number of assessors and collectors of taxes for the municipality as they may think necessary, and may appoint to them the assessment districts or wards within which they shall act, and may prescribe regulations for governing them in the performance of their duties according to the provisions of this Ordinance. Assessors and collectors

#### ASSESSMENT COMMITTEE.

21. The council of every municipality shall appoint the mayor, clerk, and assessor, or any two others with the assessor, who shall, on completion of the assessor's roll, and before assessment lists are sent out, check over the assessment roll, and make such corrections as the majority of the committee may decide. Assessment Committee

#### ASSESSORS AND THEIR DUTIES.

22. The assessor or assessors shall prepare an assessment roll after revision by the assessment committee as in Form J of the Appendix to this Ordinance, setting down in each column, as accurately as may be after diligent enquiry, the information called for by the heading thereof. Assessment roll

23. The assessor or assessors shall prepare a separate assessment as in Form K of the Appendix to this Ordinance, regarding the lands, whether owned by in- Non-resident roll

dividuals or corporations, of non-residents whose names cannot be ascertained, entering in the proper column of such roll the information required by the respective heading thereof.

Assessment  
notice

24. Every assessor shall, before delivery of his roll to the clerk of the municipality, deliver to each taxable person if residing in the municipality, a notice setting forth the sum at which his real and personal property and taxable income is assessed, or if such taxable person be not residing in the municipality, shall mail said notice by registered letter directed to such taxable person to the Post Office named in such roll, and shall enter on the roll, opposite the name of such person, the date of such delivery or mailing, and such entry shall be deemed prima facie evidence of such delivery.

Partnerships

25. The personal property of a partnership shall be assessed against the firm at the usual place of business of the partnership, and a partner in his individual capacity shall not be assessable for his share of any personal property of the partnership which has already been assessed against the firm.

Branches

(a) If a partnership has more than one place of business each branch shall be assessed, as far as may be, in the locality where it is situate, for that portion of the personal property of the partnership which belongs to that particular branch.

Resident

26. If a resident has no place of business he shall be assessed at his place of residence.

Information to  
assessors

27. It shall be the duty of every person assessable for real and personal property or income in every municipality to give all information to the assessors, and he may deliver to the assessors a statement in writing setting forth the particulars of the property for which he should be assessed, but no such statement shall bind the assessor or excuse him from making due enquiry as to its correctness.

23. In assessing vacant ground, or ground used as a <sup>Vacant</sup> farm garden or nursery, and not in immediate demand <sup>ground</sup> for building purposes, in towns, the value of each parcel of vacant ground, shall be that at which sales of it can be reasonably expected during the current year, the assessor shall value it as if ~~he~~ held for farming or gardening purposes, with such percentage added as the situation of the land may reasonably call for, and such vacant land, whether surveyed into lots or not, if unsold as such, may be entered on the assessment roll as so much of the original lot or section, as the case may be, and where ground is not held for purposes of sale, but bona fide inclosed and used in connection with a residence or building as a paddock, garden, park or lawn, it shall be assessed at a valuation which, at six per centum, would yield a sum equal to the annual rental, which, in the judgment of the assessor, it is reasonably worth, reference being always had to its position and local advantages.

(1) Except in the case of mineral lands hereafter <sup>Assessable</sup> provided for, real and personal property shall be es- <sup>Value</sup> timated at their actual cash value, as they would be appraised in payment of a just debt by a solvent debtor.

(2) In estimating the value of mineral lands, said <sup>Mineral lands</sup> lands and the buildings thereon shall be valued and estimated at the value of other lands in the neighborhood for agricultural purposes.

29. Each assessor shall make and complete and de- <sup>Return of roll</sup> liver his roll to the clerk of the municipality in each year on or before the first day of May, or such prior day as the council may prescribe by by-law with his affidavit thereto, or endorsed thereon, made before a justice of the peace, in the following form :—

I, \_\_\_\_\_, do swear that I have in the within or annexed assessment roll, and statement attached, assessed the municipality of \_\_\_\_\_ (or part, as the case may be, naming the part) according to law to the best of my skill and ability, and without favor.

Sworn before me at  
this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18  
J.P.

Assessor.



Assessor disagreeing with committee;

30. Should the assessor not agree with the assessment committee on the valuation of any or all assessments, he may attach a statement to the assessment roll showing the difference, and such report shall be referred to the Court of Revision, whose report shall be final, except as herein provided for by an appeal to a Judge.

## COURT OF REVISION.

### APPEAL FROM ASSESSMENT ROLL AND REVISION OF ROLL.

Court of Revision—quorum

31. The Mayor or Reeve and Council shall be the Court of Revision of all municipalities and a majority thereof shall be a quorum for the transaction of business.

Clerk

32. The Clerk of the Municipality shall be the Clerk of the Court of Revision, and shall record all the proceedings thereof.

Completion of duties

33. The Court may meet and adjourn from time to time, and may be summoned to meet at any time by the Mayor or Reeve of the Municipality, and all the duties of the Court of Revision shall be completed before the fifteenth day of June in each year.

Evidence

34. All evidence before the Court of Revision shall be taken on oath, and any member shall be competent to administer the oath to any person giving evidence before the Court, and the Clerk of the Court may, when required, issue a summons to any witness to attend such Court, and if any person so summoned as a witness fails without good and sufficient reason to attend (having been tendered compensation for his time at the rate of one dollar per day and mileage at the rate of ten cents per mile, where a railway is not available, or actual railway fare,) he shall on summary conviction incur a penalty not exceeding fifty dollars.

Trial of appeals

35. The Court shall try all complaints in regard to persons wrongfully placed upon the roll or omitted therefrom or assessed too high or too low or in regard

to any property of any person which has been misdescribed or omitted from the roll, or in regard to any assessment which has not been performed in accordance with the provisions and requirements of this Ordinance, as the case may be.

36. The proceedings for the trial of complaints shall be as follows :—

(1) Any person assessed within the Municipality who considers himself aggrieved for any or all of the causes hereinafter referred to, may, within fourteen days of the time fixed for the return of the roll, give notice in writing to the Clerk of the Municipality that he considers himself so aggrieved, naming the complaints and grounds of appeal and upon what property. Notice of  
appeals

(2) If any ratepayer within the Municipality thinks that any person has been assessed too high or too low, or has been wrongfully inserted in or omitted from the assessment roll, or that the property of any person has been misdescribed or omitted from the roll, or that the assessment has not been performed in accordance with the provisions and requirements of this Ordinance, the Clerk shall, on his request in writing, give notice to such person and the assessor of the time, when the matter will be tried by the Court, and the matter shall be decided in the same manner as complaints by a person assessed. Appeal by  
third party

•(3) The Clerk of the Court shall post up in some convenient place within the Municipality a list of all complaints on their own behalf against the assessor's return, and of all complaints on account of assessment or want of assessment of other persons, stating the names both of the complainant and the party complained against, with a concise description of the matter complained of, together with an announcement of the time when the Court will be held to hear the complaints; and no alterations shall be made in the roll unless under a complaint formally made according to the above provisions: Publication of  
Lists of Ap-  
peals

Omissions  
from roll

(4) If at any time before the return of the collector's roll it shall be discovered that the property or income of any taxable person or part thereof has been omitted from the roll, the Clerk shall notify such taxable person, if known and if he resides or has a place of business within the Municipality, that at a meeting of the Council, to be held at least six days after such notice, an application will be made to the said Council to assess such taxable property for such sum as may be deemed right, and that such taxable person is required to attend such meeting to show cause why the said taxable property should not be assessed, and as to the amount the same should be assessed for.

Resident

Non-resident

(5) If such taxable person does not reside or have a place of business in the Municipality, then such notice shall be posted by registered letter to the Post Office address of such person fifteen days before such meeting of the Council.

Assessment of  
omitted prop-  
erty

(6) After such notices have been served or posted as aforesaid, and after the expiration of the time mentioned therein, or if such taxable person be not known, then without any notice the Council may assess such taxable property and direct the Clerk to enter the same upon the proper collector's roll as they shall direct, and the name of such taxable person if known.

Provide

Provided always that the provisions of sections 37, 38 and 39 as to appeal shall apply to any such assessment.

Addition to  
Collectors' roll

(7) Immediately after such assessment shall be made as aforesaid, the Clerk shall place the same on the collector's roll at the end thereof and shall rate the same at the same ratio as the rest of the said roll and thereafter the same shall be collectable in the same manner as the rest of the taxes.

Notice to  
Assessor

(8) The Clerk shall cause to be left at the residence of each assessor or addressed to each said assessor by registered letter to the post office address a list of all complaints respecting his roll.

(9) The Clerk shall also prepare a notice in the form following for each person with respect to whom a complaint has been made: Notice of hearing

Take notice that you are required to attend the Court of Revision for the Municipality of \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the matter of the following appeal \_\_\_\_\_ appellant. That you are assessed (too high) or (too low) or (not a bona fide resident) or as the case may be.

Signed.

Clerk.

And every such notice shall be posted by a registered letter to the Post Office address of such person, as entered on the assessment roll, fifteen days before the sitting of the Court, unless if a person has a place of business within the Municipality, in which case the Clerk shall cause the said notice to be served at such place of business at least six days before the sitting of the said Court.

(10) Persons complained against may appear before the Court in person or by agent. Appearance

(11) The Court after hearing the complainant and the party complained against and any evidence adduced, as well as the assessor, shall determine the matter and confirm or amend the same accordingly. Determination of appeals

(12) If either party fail to appear, either in person or by agent, the Council may proceed ex parte. Non-appearance

37. The roll, as finally passed by the Court, and certified by the Clerk as passed, shall, except in so far as the same may be further amended on appeal to the Judge of the Supreme Court, be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect or error or mis-statement in the notice required by Subsection (5) of the foregoing Section of this Ordinance, or the omission to deliver or transmit such notice. Final passing conclusive

Exception

## APPEAL FROM THE COURT OF REVISION.

Appeal to Judge 38. Provided that an appeal to a Judge of the Supreme Court shall lie, not only against the decision of the Court of Revision, on an appeal in the said Court, but also against the omission, neglect or refusal of the said Court to hear or decide an appeal.

Procedure 39. In all cases of appeals under the provisions of the preceding Section the proceedings shall be as follows;—

Notice (1) The person appealing shall, in person or by agent serve upon the Clerk of the Municipality, within eight days after the decision of the Court of Revision, a written notice of his intention to appeal to a Judge of the Supreme Court.

Clerk to notify Judge (2) The Clerk shall, immediately after the time limited for filing notice of appeals, forward a list of the same to the Judge of the Supreme Court usually exercising jurisdiction in the judicial district of which such Municipality forms a part, or if such Municipality forms part of more than one judicial district, then to the Judge whose official residence is nearest the Municipality, and such Judge shall fix a day for the hearing of such appeal.

And parties (3) The Clerk shall thereupon give notice to all the parties appealed against in the same manner as is provided for giving notice on a complaint to the Court of Revision, but in the event of failure by the Clerk to have the required service in any appeal made, or to have the same made in proper time, the Judge may direct service to be made for some subsequent day upon which he may sit.

Publication of Notice (4) The Clerk of the Municipality shall cause a conspicuous notice to be posted up in his office or the place where the Council of the Municipality holds its sittings, containing the names of all the appellants and parties appealed against, with a brief statement of the ground or cause of appeal, together with the



time and place at which a Court will be held to hear appeals.

(5) The Clerk of the Municipality shall be the Clerk of such Court.

(6) At the Court so holden the Judge shall hear the appeals, and may adjourn the hearing from time to time, and defer judgment thereon at his pleasure, but so that all the appeals may be determined before the first day of September. Hearing by Judge

(7) At the Court to be holden by the Judge, to hear the appeals hereinbefore provided for, the person having charge of the assessment roll, passed by the Court of Revision, shall appear and produce such roll and all papers and writings in his custody connected with the matter of appeal, and such roll shall be altered and amended according to the decision of the Judge, if then given, who shall write his initials opposite any part of the said roll, in which any mistake, error or omission is corrected or supplied, and if the decision is not then given the Clerk of the Municipality shall, when the same is given, forthwith alter and amend the roll according to the same, and shall write his name opposite every such alteration or correction. Production of documents  
Amendment of roll

(8) In all such proceedings the Judge shall possess all such powers for compelling the attendance of, and for the examining on oath, of all parties whether claiming or objecting or objected to, and all other persons whatsoever, and for the production of books, papers, rolls, and documents, and for the enforcement of his orders, decisions and judgments, as belong to or might be exercised by him in the Supreme Court. Judge's powers

(9) All process or other proceedings in, about, or by way of appeal, may be entitled as follows: Style of process

"In the matter of appeal from the Court of Revision of the Municipality of

A. B.,

Appellant,

and

C. D.,

Respondent."

**Costs** (10) The cost of any proceeding before the Judge as aforesaid shall be paid by or apportioned between the parties in such a manner as the Judge thinks proper; and where costs are ordered to be paid by any party, the same shall be enforced by execution to be issued as the Judge may direct from the Supreme Court, or in the same manner as upon an ordinary judgment for costs recovered in such Court.

**Costs** (11) The costs chargeable or to be awarded in any case may be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in the Court for such costs; and in case where execution issues, the costs thereof as in the like Court, and of enforcing the same, may also be collected thereunder.

**Decision final** (12) The decision and judgment of the Judge shall be final and conclusive in every case adjudicated upon, and can only be appealed from by a unanimous vote of the Council.

#### COLLECTORS AND THEIR DUTIES.

**Collection of rates** 40. All rates, assessments, charges and taxes required to be collected by any provision of this Ordinance shall be collected as hereinafter provided.

**Collector's duty** 41. The collector shall call at least once on the person taxed, or at the place of his usual residence or domicile or place of business, if within the Municipality in and for which such collector has been appointed, and shall demand payment of the taxes payable by such person, and shall at the time of such demand enter the date thereof on his collection roll opposite the name of the person taxed, and such entry shall be prima facie evidence of such demand.

**Default in payment** 42. In case any person neglects to pay his taxes for fourteen days after such demand as aforesaid, the collector may, by himself, or his agent, levy the same with costs by distress of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, whenever the same may

be found within the Municipality, or of any goods or chattels found on the premises the property of, or in the possession of, any other occupant of the premises and may impound the same on the premises where distrained.

Provided that any person neglects or refuses to pay any income tax when demanded by the Collector, the Collector shall then demand from the employer or employers of the person so neglecting or refusing the amount due for such income tax, and the person paying the same shall deduct the amount so paid from the salary or wages due the person so neglecting or refusing.

43. If any person whose name appears on the roll is Non-resident not a resident within the Municipality, the Collector shall transmit to him by post, addressed to the address given on the assessment roll, a statement and demand of the taxes charged against him on the roll, and shall at the time of such transmission enter the date thereof on the roll opposite the name of such person, and such entry shall be prima facie evidence of such transmission and of the time thereof. The Collector after one month from the date of the delivery of the roll to him and after fourteen days from the time of such demand, as aforesaid, has been so transmitted by post may make distress of goods and chattels which he may find upon the land and may impound the same thereon, and no claim of property, lien or privilege shall be available to prevent the sale or the payment of the taxes and costs out of the proceeds thereof.

44. The Collector shall, by advertisement over Notice of distress and sale his hand posted up in at least three public places within the municipality, within which the sale of goods and chattels distrained is to be made, give at least six day's public notice of the time and place of such sale and of the land on which the same was distrained; and at the time named in the notice the collector or his agent shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary to satisfy the claims of the collector, including

costs and charges allowed by this Ordinance.

In case of surplus

45. If the property distrained has been sold for more than the amount of taxes and costs, and if no claim for the surplus has been made by any other person on the ground that the property sold belonged to him, or that he was entitled by lien or right to the surplus, such surplus shall be returned to the person in whose possession the said property was when the distress was made, or if such claim be made by the person for whose taxes the property was distrained, and the claim is admitted, the surplus shall be paid to the claimant.

Averse claims

46. If the claim is contested such surplus money shall be paid over by the collector to the Treasurer of the Municipality, who shall retain the same until the respective rights of the parties have been determined by action at law or by arbitration as provided in this Ordinance.

Taxes a debt

47. Taxes may be recovered with interest and costs, as a debt due to the Municipality, in which case the production of a copy of so much of the Collector's roll as relates to the taxes payable by such person, purporting to be certified as a true copy by the Treasurer of the Municipality, shall be prima facie evidence of the debt.

Evidence

Collector's return

48. On or before the first day of October in every year, or on such day, not later than the first day of December, as the Council of the Municipality may appoint, every Collector shall return his roll to the Treasurer of the Municipality, and shall pay over the amount then in his hands collected by him to such Treasurer, specifying in a separate column in his roll how much of the whole amount is paid over on account of each separate rate, and shall under oath verify the dates before the Treasurer of the demands of payment and of the amounts returned as paid by him opposite the name of each party in the Collector's roll in manner following:—

“I

Collector for the Municipality of  
do solemnly swear that the  
foregoing roll contains a true account of the moneys col-

lected by me : that the dates of personal demands of payment and of posting of statements and demands are correctly set forth, and that I have paid in all the moneys collected by me. So help me God."

49. In case the collector fails or omits to collect the taxes or any portion thereof by the day appointed or to be appointed as in the last preceding Section mentioned, the council of the municipality may, by resolution, authorize the collector or some other person in his stead to continue the levy and collection of the unpaid taxes in the manner and with the powers provided by law for the general levy and collection of taxes.

Expiry of time  
before collection

50. No such resolution or authority shall alter or affect the duty of the collector to return his roll, or shall, in any manner whatsoever, invalidate or otherwise affect the liability of the collector or his sureties.

Extension not  
to affect liabilities

51. If any of the taxes mentioned in the collector's roll remain unpaid and the collector be not able to collect the same, he shall deliver to the treasurer of the municipality an account of all the taxes remaining due on the roll, and in such account the collector shall show, opposite to each assessment, the reason why such collection could not be made, by inserting, as the case may be, the words, "non resident," or "not sufficient property to distrain," or "instructed by council not to collect," as the case may be.

Uncollectable  
taxes

52. Upon making oath before the treasurer or a justice of the peace that the sums mentioned in such account remain unpaid, and that he has not, upon diligent enquiry, been able to discover sufficient goods or chattels belonging to or in the possession of the persons charged with or liable to pay such sums, or on the premises belonging to or in the possession of any occupant thereof, whereon he could levy the same, or any part thereof, the collector shall be credited with the amount not realized.

In case of non-  
payment of  
taxes and no  
goods

53. Where a municipality has passed a by-law requiring taxes to be paid on or before a given time, it

Collector's  
Return



shall be the duty of the collector to make a return on oath, on the day following the time so named, of the names of all persons who have not so paid their municipal taxes.

Costs of dis- 54. The costs chargeable for distress and sale shall  
tress be as follows:—

Mileage going to and returning from the place of seizure, each mile necessarily travelled	Ten cents
Seizure . . . . .	One dollar
Taking care of property . . . . .	The sum actu- ally disbursed not exceeding two dollars per day
Notices of sale and posting same up . . . . .	One dollar and fifty cents.
For selling five per cent. on the amount realized, not exceeding the amount of the taxes.	

Payment of 55. The treasurer or collector of any municipality  
taxes by por- shall not receive any part of the tax charged against  
tions or on any parcel of land, less than the taxes for one year  
subdivisions thereon, unless under a by-law making taxes payable  
by instalments, as hereinbefore provided. In cases  
where taxes are in arrear the year's taxes longest in  
arrear shall be first paid unless there is a bona fide  
dispute as to the taxes in any particular. In such  
last mentioned case the taxes on the land for years  
not disputed shall be accepted. If satisfactory proof  
is adduced to the treasurer that any parcel of land  
on which taxes are due has been sub-divided, he may  
receive the proportionate amount of tax chargeable  
upon any of the sub-divisions, and leave the other  
sub-division or sub-divisions chargeable with the  
remainder and the treasurer may in his books divide  
any piece or parcel of land which has been returned  
to him in arrears of taxes into as many parts as the  
necessities of the case may require.

#### STATUTE LABOR.

Rate of statute 56. Every person assessed upon the assessment  
labor roll of a rural Municipality shall, if his property be  
assessed at not more than five hundred dollars, be

liable to one day's statute labor, and for every five hundred dollars or part thereof in excess of said sum to an additional day's statute labor.

57. Every other male inhabitant of a rural Municipality, of the age of twenty-one years or upwards, and under the age of sixty years, not assessed as herein provided, shall be liable to one day's statute labor. If inhabitant not assessed

58. Every person liable to statute labor as hereinbefore provided, may commute the same at the rate of one dollar per day. Commutation

59. Persons assessed as non-residents shall be deemed to have commuted the statute labor for which they are liable at the rate of one dollar per day, and the amount of the communication shall be a charge and shall be collectable against real property, goods and chattles of non-residents as other rates. Non residents

60. Every other person liable for the performance of statute labor under this Ordinance shall, within fourteen days after the final revision of the assessment roll, notify the Clerk of the Municipality, in writing, of his intention to commute the same by the payment as hereinbefore provided, or failing so to do, he shall be bound to perform the amount of statute labor imposed upon him, as the road overseer may direct, but he shall not be compelled to go further from his home than four miles to do said labor. Notice of intention to commute

61. The Council of any Municipality, other than that of a city or town, may, by by-law commute the statute labor of any person or persons resident within the Municipality with regard to any certain specified property, for a term of years in consideration of statute labor to be performed in any one year. Performance in one year for more than one

62. Any person liable to pay any sum of statute labor commuted as aforesaid shall pay the same to the collector appointed to collect the same, within seven days after the demand thereof by the said collector, and in case of neglect or refusal to pay the same, the Payment of commutation default

collector may levy the same by distress and sale of the goods and chattels of the defaulter, with costs of the distress and sale, and if no sufficient distress can be found, then upon summary conviction before a justice of the Peace of his refusal or neglect to pay the said sum, and of their being no sufficient distress, and in default of payment at such time as the convicting justice may order, such defaulter shall be committed to the lock-up house of the Municipality, or to the nearest common goal, and be there put to hard labor for any time not exceeding ten days, unless such penalty and costs, and the costs of the warrant of commitment and of conveying the said person to jail, be sooner paid.

#### POLL TAX.

Person liable  
and rate. 63. Except members of Her Majesty's naval or military force, on full pay or on actual service, or of the North-West mounted police force, or of a Fire company duly organized by by-law of the municipality, every male inhabitant of an incorporated city or town, of the age of twenty-one years and upwards, who has resided in the said city or town for a period of two months, or more, and has not been assessed on the assessment roll of the municipality, shall be taxed at two dollars yearly.

Payment of  
Poll tax 64. Any person liable to pay taxes imposed by the next preceding Section shall pay the same to a collector appointed by by-law of the council of the municipality to collect the same within three days after the demand thereof by the said collector: and in case of neglect or refusal to pay the same within such time the said collector may levy the same by distress and sale of the goods and chattels of the defaulter with cost of the distress and sale.

Default

Provided that in case any person neglects or refuses to pay the poll tax, when demanded by the collector, the collector shall then demand from the employer or employers of the person so neglecting or refusing the amount due for such poll tax, and the

person paying the same shall deduct the same so paid from the salary or wages due to the person so neglecting or refusing.

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## PART 5.

## SALE OF LAND FOR TAXES.

When lands  
may be sold

Procedure

1. Whenever any portion of the taxes on any land has been due for two years, whether levied before or after the passing of this Ordinance, the ~~Collector~~<sup>Treasurer</sup> shall submit to the Mayor a list in duplicate of all the lands in his books on which taxes are so due, with the amount of arrears against each lot set opposite to the same, and the Mayor shall authenticate each such list by affixing thereto the seal of the corporation and his signature, and one of such lists shall be deposited with the Clerk, and the other shall be given to the Treasurer with a warrant thereto annexed under the hand of the Mayor and the seal of the Municipality commanding him to levy upon the land for the arrears due thereon with costs and the said Treasurer is hereby authorized to sell the same.

Taxes due  
when

(1) For the purpose of this Section all taxes shall be considered to be due on the first day of January of the year in which the same are levied.

Land, not listed

2. The said Treasurer shall not sell any lands which have not been included in the list furnished him as aforesaid.

Publication of  
list

3. The Treasurer shall prepare a copy of the list of lands to be sold as authorized by this Ordinance and shall include therein in a separate column a statement of the proportion of costs chargeable on each lot for advertising and the sum of twenty-five cents for each parcel advertised for sale and shall cause the said list to be published at least once a week for four consecutive weeks immediately preceding the day of sale therein named in at least one newspaper published in the Municipality; if there is no newspaper published therein, then in the next nearest newspaper published to the Municipality.

Crown lands

4. When the title of any land sold for arrears of



taxes is vested in the Crown the deed thereof in whatever form given shall be held to convey only such interest as the Crown may have given or parted with, or may be willing to recognize or admit that any person possesses under and color or right whatever, and the municipality in case of any sale for taxes being declared invalid shall be liable only for the purchase money actually paid therefor to the treasurer and legal interest thereon as for damages or otherwise. <sup>Invalid sales</sup>

5. The advertisement shall contain a notification that unless the arrears of taxes and costs are sooner paid, the treasurer will proceed to sell the lands for taxes on the day and at the place mentioned in the advertisement. <sup>Advertisement</sup>

6. Every such notice shall specify the place, day and hour at which the sale shall commence, and each lot or parcel of land shall be designated therein by a reasonable description for registration purposes. <sup>Its contents</sup>

7. All the lots liable for sale in the municipality shall be included in the same statement and notice, but any neglect or omission to include any lands liable for sale in said list shall not be held to invalidate the sale or to prevent the sale of such omitted land on any future occasion for all arrears of taxes that may be due thereon. <sup>Omissions from list</sup>

8. The day of sale shall not be more than forty days after the first publication of the list and the sale shall take place at such place in the municipality as council shall from time to time by resolution appoint, and in the absence of such appointment at such place in the municipality as the treasurer in his said notice shall name. <sup>Time and place of sale</sup>

9. The treasurer shall in each case add to the arrears of taxes his charges and the cost of publication. <sup>Costs</sup>

10. ~~If at any time appointed for the sale of lands no bidders appear, The treasurer may adjourn the sale~~ <sup>Adjourned sale</sup>

from time to time provided always that no such adjournment shall be for a period exceeding fifteen days.

The sale

11. At the place, day and hour appointed for the sale of lands (if the taxes thereon, including costs and charges, have not previously been paid) the treasurer shall offer the lands for sale by public auction, and in so doing shall make and declare the amounts stated in the list as the taxes due with his charges and costs as the upset price on each respective lot or parcel as offered for sale and shall thus sell the same to the highest bidder or to such person as may be willing to take it at the upset price, there being no higher bidder but subject to redemption as hereinafter provided for.

If no bidders

12. If no bidder appears for any land for the full amount of arrears of taxes, costs, and charges the treasurer shall, there and then sell the same to the municipality at the upset price.

Payment of  
purchase money

13. If the land sells for a greater sum than the taxes due together with all charges thereon, the purchaser shall only be required to pay at the time of sale the amount of said taxes and charges, and the balance of the purchase money shall be payable within one calendar month after the time of redemption of said land shall have expired without the same having been redeemed within the time limited, and if the said balance of purchase money shall not be so paid by the purchaser, his heirs or assigns, within the time above prescribed he and they shall forfeit all claim to the to the said land and to any transfer or conveyance thereof as well as the amount paid at the time of sale, and such land shall thereupon cease to be affected by said sale.

Non-payment

14. If the purchaser of any parcel of land fails immediately to pay the treasurer on account of said purchase the amount claimed for arrears of taxes and charges, the treasurer shall forthwith again put up the property for sale.

15. The Treasurer, after selling any land for taxes shall give to the purchaser a certificate describing the land as advertised, stating the amount of taxes and costs paid and the total amount of purchase money and further saying that a transfer of the same to the purchaser or his assigns shall be executed by the treasurer on his or their demand within one month after the expiration of one year from the date of the certificate, if the land be not previously redeemed, and upon payment of the balance of the purchase money if any remains unpaid, and upon payment of two dollars for said transfer. Treasurer's  
Certificate

16. The purchaser shall, on receipt of the Treasurer's certificate of sale, become the owner of the land so far as to have all necessary rights and powers for protecting the same from the spoliation or waste until the expiration of the term during which the lands may be redeemed. Purchaser's  
rights

17. A statement of the land so sold for arrears of taxes with the names of the respective purchasers, the date of sale, the time of redemption and the amount required to redeem, shall within thirty days of the date of sale, or adjourned sale, be made out and signed by the treasurer, in duplicate, and one copy shall be kept by the treasurer, and the other deposited with the clerk, and either of the said lists may be inspected at any time during office hours, for a fee of ten cents for each lot of which inspection is desired. Statement of  
particulars of  
sale  
  
Inspection

18. The owner of any land which may hereafter be sold for taxes, or his heirs, executors, administrators or assigns, or any other person on his or their behalf, but in his name only, may at any time within one year from the date of sale, exclusive of that date redeem the real estate sold, by paying to the treasurer before the hour of three o'clock in the afternoon of the said last day for redemption for the use and benefit of the purchaser or his legal representatives, the sum paid by him together with ten per cent. thereon, and any further sum which shall have been levied against said land and paid by the purchaser before date of re- Redemption.

demption and the treasurer shall give the party paying such redemption money a receipt stating the sum paid and the object thereof, and such receipt shall be evidence of the redemption.

Date from  
which time  
to run

19. For the purpose of this Ordinance the day of sale shall be the day on which the sale was advertised to take place, without reference to any adjournment or adjournments, and all certificates shall be dated as of that day.

Effect of  
Redemption

20. From the time of payment to the Treasurer of the full amount of redemption money required by this Ordinance, all rights and interests of the purchaser shall cease.

Redemption  
by unauthorized  
person

21. Whenever such redemption is effected by a person not specially authorized, the Treasurer shall mention in the receipt given by him for the redemption money the name and designation of the person paying the same, the name of the person on whose behalf the payment is made and every redemption receipt shall be made out in triplicate, one copy shall be given to the person paying the redemption money, one shall remain on file in the office of the Treasurer, and the third shall be transmitted to the Clerk by the Treasurer.

Receipt

Notice to pur-  
chaser

22. The Treasurer shall also immediately after the redemption of any land give notice by registered letter to the party appearing by his books to be the purchaser of the same, apprising him of the fact of such redemption and of the amount of money paid in for such purpose.

Transfer of  
land not re-  
deemed to  
purchaser

23. If the land be not redeemed within the period allowed by this Ordinance, then on demand of the purchaser, his heirs or assigns or other legal representatives at any time within one month after the expiration of the time limited for the redemption, upon payment of the balance of purchase money as aforesaid, and of the further sum of two dollars, the Treasurer shall prepare and execute and deliver to

him or them a transfer of the land sold, provided that any land sold to the Municipality under the provisions of this Ordinance as hereinbefore provided shall be transferred by the Treasury of the Municipality immediately on the expiration of the time allowed for redemption without charge, such transfers shall be in the form or to the same effect as the form given in Schedule L to this Ordinance, and shall state the date and cause of sale and the price, and shall have the effect of vesting the land in the purchaser, his heirs, assigns and other legal representatives, in fee simple or otherwise, according to the nature of the estate sold, and no such transfer shall be invalid by reason of any error or miscalculation in the amount of taxes in arrear.

24. Such transfer shall not only vest in the purchaser all rights of property which the original holder had therein, but shall also purge and disencumber such land from all payments, charges, liens, mortgages and encumbrances of whatever nature and kind other than existing liens of the municipality or Crown, and whenever lands are sold for arrears of taxes, and the Treasurer shall have given a transfer thereof, such transfer shall, notwithstanding any informality or defect in or preceding such sale, be valid and binding to all intents and purposes, except as against the Crown, if the same has not been questioned before some Court of competent jurisdiction, by some person interested in the land so sold, within one year from the execution of such transfer, provided that any taxes shall have been due on the said land at the time of the sale, and that the bona fide holder of the title when questioned shall not have been guilty of, or knowingly a party to any fraud against the provisions of this Ordinance, or in connection with the sale, transfer or assignment of the said land.

25. The treasurer shall keep a separate account of all sums paid to him as a balance of purchase money on lands sold for arrears of taxes, and not redeemed, and shall enter in the book the amount received, over the taxes and charges from the purchaser of any lots

Effect of  
transfer

Tax sales ac-  
count



Tax sales fund

sold by him, against said lot, with date of sale and of receipt of balance and the aggregate amount so received shall form a fund to be called tax sales fund, and the Treasurer shall, in the month of January in each year, and on request at any other time, furnish a statement to the Council, giving the particulars respecting such funds, and whenever any portion of such fund shall have remained in the hands of the Treasurer for six years from the day of sale of the land, of which it forms a part of the purchase money, without any notice of claim or order for payment having been served on him as hereinafter provided, said portion or sum so remaining unclaimed shall have been forfeited and thereafter be the absolute property of the Municipality and the said Municipality shall forever be discharged from any claim on account thereof.

Claim upon  
tax sales fund

26. Any person claiming to have been the owner, heir, assignee or legal representative of the owner, or otherwise interested in any parcel of land sold for taxes and transferred as aforesaid, which shall have realized more than the amount due for taxes and charges, shall be entitled to claim and receive the said overplus or sum held to the credit of said parcel of land in the tax sale funds or any portion thereof specified in the order hereinafter mentioned, provided that a written notice is served upon the treasurer previous to the time limited for forfeiture, and upon producing and leaving with the treasurer, within six months from the date of service of such notice of claim an order signed by the Judge of the supreme court having jurisdiction in the North-West Territories reciting that it had been proved to the satisfaction of the said Judge that the claimant was at the time of sale the lawful owner of the land, in respect to which claim is made, or was or is the heir, executor, assignee, or legal representative of the said owner or otherwise interested in the said land and requiring the municipality to pay the said surplus money or the portion thereof specified in the order to the said claimant, and and such or any Judge's order for payment of any part of said tax sale funds shall be kept by the treasurer and shall be the warrant and authority for making such payment.

27. In seeking to obtain a Judge's order any claimant upon said fund shall in person or by advocate petition the Judge in writing for that purpose, describing the land sold and setting forth the particulars of said sale and the title under which the said money is claimed, and shall at the same time furnish such evidence of title as may be necessary for proving his title or interest to the satisfaction of the Judge, and the facts set forth in the petition shall be verified by affidavit so far as may be necessary to satisfy the Judge of the bona fide nature of the claim, and the said Judge may in his discretion require the claimant to serve a notice of his application upon the Municipality or publish the same in any manner he may deem proper, or substantiate his claim in any other manner, and the Judge may in his discretion order said money to be paid over to the Supreme Court, there to be dealt with in such manner as the Court shall order, and in such case a copy of his order stating the reason therefor shall be filed in the said Court and served upon the treasurer.

Procedure on  
claim against  
fund

28. The same fees shall be paid upon any application made under the last preceding Section as are payable in respect of other applications in Chambers for a Judge's order in any suit or procedure.

Fees

29. In any case where the Judge deems it advisable to order notice to be served upon the municipality, he shall in the final decision of the question, if the claimant is successful, order the costs of the municipality to be paid out of the fund in question, and, in case the claimant fails, shall order execution to issue against him from the said Court after taxation for the costs of the municipality.

Payment of  
costs

30. The fact of claiming any surplus held to the credit of any lots sold for taxes in the said tax sale fund shall be considered an omission of the validity of the sale of the lot in question by the claimant, and the said claimant and all claiming by, through or under him shall from and after the time of making such claim be debarred from taking any proceeding to

Waiver and  
Estoppel

question or set aside such sale, notwithstanding that said claim shall have been made within the time, otherwise limited, for taking any proceedings to invalidate any tax sale, and said sale shall thereafter be held to be in all respects valid and binding as against the claimant and those claiming by, through and under him as aforesaid.

Actions im-  
punging sales

Limitation

Notice

Disposition of  
purchase money

31. In case of any suit or proceeding to set aside or question a sale for arrears of taxes being commenced within two years and one month from the date of said sale, being the time within which only any such action can be brought or proceeding taken for that purpose, the plaintiff shall within ten days after stating his action or proceeding cause the treasurer to be notified in writing of the fact of his action or proceeding having been commenced, and the treasurer in such case shall not forfeit any surplus held by him to the credit of the parcel of land in dispute, but shall hold the same subject to the order of any Judge or Court before whom the said action or proceeding shall or may be tried, and in case the plaintiff succeeds the Judge or Court shall order said surplus repaid to defendant, the tax sale purchaser or his proper representatives, and in case the plaintiff fails in such action or proceeding to set aside such sale, but proves to the satisfaction of the Judge or Court that he was at the time of sale the lawful owner of said land and the person entitled to the said surplus money according to the true intent and meaning of this Ordinance, then in such case the Judge or Court shall order such surplus money to be paid over to the plaintiff or his proper representatives upon and after payment by said plaintiff of such costs of defendant as he may have been ordered to pay.

Liability of  
Municipality

32. In no case shall the municipality be liable for damages or costs in any suit brought to set aside a tax sale, or be liable for any damages or costs arising therefrom in any way, further than in case of sale held void by a competent Court refunding to the purchasers the amount of money actually received, with legal interest.

## PART 6.

## 1.—MUNICIPAL BY-LAWS.

## 2.—BY-LAWS CREATING DEBTS.

## 3.—QUASHING BY-LAWS.

1. Every by-law under this Ordinance shall be <sup>Passing by-law</sup> under the seal of the Municipality, and shall be signed by the Chairman or by the person presiding at the meeting at which the by-law is finally passed and by the Clerk of the Municipality, and every such by-law shall have three distinct and separate readings before the same shall be finally passed, but not more than two readings shall be had at any one meeting, except by the unanimous vote of the Council present.

2. A copy of any by-law, written or printed, <sup>Evidence</sup> without erasure or interlineation, and under the seal of the Municipality, certified to be a true copy by the Clerk thereof and by any member of the Council, shall be authentic and received as prima facie evidence of the due execution and contents thereof, without further proof, in any Court of Justice.

3. Every promulgation of a by-law shall consist <sup>Promulgation of by-law</sup> in the publication, through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the Courts to quash the same or any part thereof: and the publication aforesaid shall be in a newspaper published within the Municipality, or if no newspaper be published therein, then in some newspaper published nearest the Municipality, as the Council may designate by resolution, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week for three successive weeks.

Form of notice X (a) The notice to be appended to every copy of the By-law for the purpose aforesaid shall be to the effect following :

## NOTICE.

The above is a true copy of a By-law passed by the Municipal Council of the Municipality of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_ and approved by his Honor the Lieutenant-Governor-in-Council on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_ and all persons are hereby required to take notice that anyone desirous of applying to have such By-law or any part thereof quashed, must make his application for that purpose to the Judge of the Supreme Court within two months next after the third publication of this notice or he will be too late to be heard in that behalf.

Validity of by-law

(b) In case no application to quash a By-law is made within two months next after the third publication thereof and notice as aforesaid, the By-law or so much thereof as is not the subject of any such application or not quashed upon such application so far as the same Ordinance prescribes or directs anything within the proper competence of the Council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form either in the By-law itself or in the time or manner of passing the same, or in the promulgation thereof, be a valid By-law.

Performance of Acts directed by council

4. Whenever any Municipal Council has any authority to direct, by By-law or otherwise, that any matter or thing should be done, by any person, or corporation, such Council may also by the same or another By-law, direct that in default of its being done by the person, such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with costs, by action or distress, and in case of non-payment thereof, the same shall be recovered in like manner as Municipal taxes.



## BY-LAWS FOR CREATING DEBTS.

5. Every Municipality may, under the formalities required by this Ordinance, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for the payment of such debts on the rateable property of the Municipality for any purpose within the jurisdiction of the Municipality, or on roads and bridges, or waterworks outside the limits of the Municipality; provided that no Municipality shall have power to pass by-laws borrowing money or otherwise to a greater extent than ten per cent. of the assessed value of the assessable property in the said Municipality, subject to the following provisions :—

By-laws for borrowing money

6. By-laws for contracting debts or borrowing money, which do not provide for the payment of the debts contracted or money borrowed within the financial year, shall, before the final passing thereof, receive the assent of a two-thirds of the duly qualified ratepayers voting thereon in the manner hereinafter provided.

Assent of rate-payers

7. No by-law for granting bonuses to manufactories, mills, railways, or any works of a public nature, or guaranteeing the payment of debentures of companies to assist them in the operation of elevators for exemption from taxation for a longer period than one year, or for building, owning or operating grist mills, elevators, and manufacturing establishments, shall be introduced or entertained by the Council, except on a petition of one half the resident ratepayers of the Municipality; and all such by-laws shall, before the final passing thereof, receive the assent of two thirds or more of the votes polled, provided, however, that upon the introduction of any such by-law no informality in the proceedings prior to such introduction shall affect its validity.

Bonus by-laws

8. If not contracted for lighting, drainage or water works, or for purchase of public works, the whole of the debt and the obligations to be issued for its payment shall be made payable in twenty years at the furthest from the date on which the said by-laws take effect,

Time of repayment

and if the debt is contracted for lighting, drainage or water works, or for the purchase of public works, the same shall in like manner be paid in thirty years at the furthest from the day on which the by-law takes effect.

Estimate of  
rateable prop-  
erty

9. No further increase of the rateable property within the Municipality, nor any extra income of any nature or interest whatsoever, from any work whatsoever, stock, share or interest therein, shall be taken into account in estimating the rateable property; but, if by reason of the increase or decrease in the valuation of property in the Municipality, the annual rate as hereinbefore provided should be required to be greater or less as the case may be, the rate may be increased or decreased accordingly;

Contents of by-  
law

10. The by-law shall recite:—

- (a) The amount of the debt which such new by-law is intended to create and in some brief and general terms the object for which it is to be created;
- (b) The total amount to be raised annually by special rate for paying said debt and interest;
- (c) The amount of the whole rateable property according to the last revised assessment roll;
- (d) The total amount of the existing debt of the municipality outside of the debt due for the current expenses of the year;
- (e) A day not more than three months from the day on which the voting is to take place when the by-law shall take effect, and the whole of the obligations to be issued for the debt authorized shall be dated as of the day on which the by-law takes effect.

11. In any case of passing a by-law for contracting a debt or borrowing money for any purpose, the Coun-

oil may in its discretion make the principal of such debt repayable by equal annual instalments during the currency of such period (in no case to exceed thirty years as hereinbefore provided) within which the debt is to be discharged, and may issue the debentures of the Municipal corporation for the amounts and payable at the times corresponding with such instalments, together with interest, annually or semi-annually, as may be set forth and provided in such by-law.

#### VOTING ON BY-LAWS.

12. In case a by-law requires the assent of the electors of the Municipality before the passing thereof, the following proceedings shall be taken for ascertaining such consent :—

(1) The Council shall, by the by-law, fix a day and hour for taking the votes of the electors, and such places in the Municipality as the Council shall in their discretion deem best, and shall name a Returning Officer and Deputy Returning Officers to take the votes at each place where the votes are to be taken, and the day so fixed for taking the votes shall not be less than three or more than four weeks after the first publication of the proposed by-law as hereinafter provided.

13. The Council shall, before the voting thereon by the ratepayers, publish a copy of the by-law in some public newspaper published within the said Municipality, or if there be no such newspaper, in some public newspaper near the Municipality, and such publication shall be continued in at least one number weekly, of such newspaper for two successive weeks, and shall also put up a copy of the by-law at four or more of the most public places of the Municipality.

14. Appended to each copy so published shall be a notice signed by the Clerk of the Council stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the Council after being voted on by the electors, and stating the date of the first

publication, and the day, hour and place or places fixed for taking the votes of the electors.

Poll

15. At such day and hour a poll shall be taken and all proceedings thereat and for the purposes thereof, including a recount, shall be conducted in the same manner, as nearly as may be, as at an election for Mayor and Councillors.

Ballot

16. The ballot papers shall be printed with "For the by-law," and "Against the by-law," and shall be marked by the voter with a cross on the right side thereof opposite the words, "For the by-law" or "Against the by-law," as he may desire to vote.

Summing up

17. The Council shall, in the by-law, fix the time and place when and where the returning officer of the Municipality shall sum up the number of votes given for or against such by-law.

Attendance of  
persons inter-  
ested

18. On the application of any person interested in promoting or opposing the passage of the by-law, the chairman shall authorize the attendance of one person, on behalf of the party applying, at each polling place and at the final summing up of the votes.

Persons enti-  
tled to vote

19. Every ratepayer being a man, unmarried woman or widow, shall be entitled to vote on any by-law requiring the assent of the electors, who at the time of tendering the vote is of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly or indirectly received nor is in expectation of receiving any reward or gift for the vote which he tenders, and who is at the time of the tender a freeholder in his own right or whose wife is a freeholder of real property within such Municipality, and is rated on the last revised assessment roll as such freeholder for not less than four hundred dollars, provided that such person is named or purported to be named in the voters' list of electors.

20. The oaths to be submitted to voters shall be in Oaths form similar to those administered to electors when voting for municipal councillors, provided however, that such voters are otherwise duly qualified to vote for such by-law.

21. The returning officer, after he has received cer- Declaration of  
 tified returns from the deputy returning officers of the result  
 number of votes given at each polling place, shall at the  
 time and place appointed by the by-law, in the presence  
 of the persons authorized to attend, or such of them as  
 may be present, sum up from such statements the num-  
 ber of votes for and against such by-law, and shall then  
 and there declare the result, and forthwith certify to the  
 Council under his hand whether the majority of the elec-  
 tors entitled to vote, who have voted upon the by-law,  
 approved or disapproved of the same.

22. Every by-law which is carried by the required Subsequent  
 majority of the duly qualified electors who have voted passage by  
 thereon shall, within two weeks thereafter, be passed council  
 by the Council which submitted the same.

23. All by-laws for contracting debts, which do not Assent of Lieu-  
 provide for payment thereof within the financial year, tenant-Gover-  
 shall receive the assent of the Lieutenant-Governor, nor  
 after the passing thereof by the Council of the Muni-  
 cipality, and the assent of the Lieutenant-Governor to any  
 such by-law shall be conclusive evidence that all  
 necessary formalities in respect to the passing thereof  
 have been complied with.

#### QUASHING BY-LAWS

24. In case a resident of a Municipality, or any Application to  
 other person interested in a by-law, order or resolution quash proce-  
 of the Council thereof, applies to a Judge of the dure  
 Supreme Court and produces to the Court a certified  
 copy of the by-law, order or resolution, and shows by  
 affidavit that the same was received from the Clerk, and  
 that the applicant is resident or interested as aforesaid,  
 the Judge after at least ten days' service on the Muni-

cipality of a rule to show cause in this behalf, may quash the by-law, order or resolution, in whole or in part, for illegality, and according to the result of the application award costs for or against the Municipality.

Time for application

25. No application to quash or annul any such by-law, order or resolution, in whole or in part, shall be entertained by any Judge unless such application is made within <sup>two</sup>~~three~~ months from the final passing of such by-law, order or resolution.

Corrupt practices

26. Any by-law, the passage of which has been procured through or by means of any corrupt practices, as defined by this Ordinance, shall be liable to be quashed upon any application to be made in conformity with the provisions hereinbefore contained.

Inquiry by Judge

27. Before determining any application for the quashing of a by-law, upon the ground that the passing of the same has been procured by means of any corrupt practices, as defined by this Ordinance, and if it is made to appear to a Judge of the supreme court that probable grounds exist for a motion to quash such by-law, the Judge may thereupon make an order for an enquiry to be held, upon such notice to the parties affected as the Judge may direct concerning the said grounds, before himself or whom he may appoint to conduct such enquiry, and require that upon such enquiry all witnesses both against and in support of such by-law, be orally examined and cross-examined upon oath. The said Judge, upon the taking or the return of said evidence, as the case may be, may upon notice to such of the parties concerned as he thinks proper, proceed to hear and determine the question, and if the grounds therefore appear to him to be satisfactorily established, he may make an order for quashing said by-law, and order the costs attending such proceedings to be paid by the parties or any of them who have supported said by-law; and if it appears that the application to quash said by-law ought to be dismissed, the said Judge may so order, and in his discretion award costs to be paid by the persons applying to quash said by-law.

Evidence

Costs



28. After an order has been made by a Judge directing an enquiry, and after a copy of such order has been left with the Clerk of the Municipality of which the by-law is in question, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the enquiry has been directed : but if the matter is not prosecuted to the satisfaction of the Judge he may remove the stay of proceedings.

29. In case a by-law, order or resolution is illegal, in whole or in part, and in any case anything has been done under it, which by reason of such illegality gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring action has been given to the Municipality, and every such action shall be brought against the Municipality alone, and not against any person acting under the by-law, order or resolution.

30. In case the Municipality tenders amends to the plaintiff or his attorney, if such tender is pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases.

31. No by-law shall be set aside for corrupt practices, provided the passage thereof was not effected by such corrupt practices.

## PART 7.

## LOCAL IMPROVEMENTS AND ASSESSMENTS.

De-  
finition of  
local im-  
provement.

1. The term "local improvement" shall be taken to mean the opening, widening, straightening, extending, grading, levelling, macadamising, laying, paving, or planking on any street, or public lane, alley, way, or place, sidewalk or bridge forming part of a highway; or the curbing, sodding, or planting of any street or public lane, alley, square, or other public way or place; or the making, deepening, enlarging, or prolonging of any common ditch, drain, or sewer; or the reconstructing, but not the mere repairs and maintenance, of any of the said works.

Special front-  
age assess-  
ment.

2. The term "special frontage assessment" shall be taken to mean a rate charged according to the lineal measure along the front of the several lands fronting on the street or place whereon or wherein the improvement is to be made for the purpose of paying for such local improvement, which rate shall be computed by dividing the total charge to be provided by special frontage assessment on said lands by the number of lineal feet frontage of such lands on the street or place whereon or wherein the local improvement is to be made.

3. The Municipal Council of any incorporated city or town may pass by-laws:—

Local improve-  
ment

(a) For ascertaining and finally determining what portion, if any, of the cost of any local improvement should be borne by the Municipality at large;

Frontage as-  
sessment

(b) For assessing by way of a special frontage assessment the cost or a portion of the cost of any local improvement upon the lands fronting upon the street or place wherein or whereon the local improvement is to be

made and for levying such cost or portion thereof by a special rate upon such lands ;

(c) For regulating the time or times and manner in <sup>Payment</sup> which the rates for such improvements are to be paid.

(d) For borrowing by way of temporary loan upon <sup>Temporary loan</sup> the credit of the Municipality at large any moneys required to meet the cost of any local improvement, provided that such temporary loan shall mature within six months from the making thereof ; and for borrowing by the issue of debentures upon the credit of the Municipality at large the moneys required to meet the cost of any local improvement or required to repay any temporary loan made for that purpose ; provided that the amount of any such temporary loan or loans by way of <sup>Debentures</sup> debentures shall not increase the general debt of the Municipality beyond the limits thereof fixed by any Ordinance in that behalf ; and provided that such debentures shall mature within the probable life of the local improvement as certified by the Council or the committee acting under any by-law passed pursuant to the foregoing Subsection (a).

4. Any by-law passed under Subsection (a) of the <sup>Special by-law</sup> next preceding Section shall be a special by-law.

5. No assessment or levy shall be made under any <sup>Owners to petition</sup> by-law passed under sub-section (b) of Section 3 of this Ordinance except upon petition to the Council of at least two-thirds in number of the registered owners of the lands fronting on the street or place whereon or wherein the improvement is proposed to be made representing at least one-half of the value of such land, excluding improvement ; thereon.

(a) Such petition shall state the amount to be raised for the purpose set forth in the petition.

6. The request of the petition may be acceded to <sup>Extent of improvement</sup> by the Council either in respect of the whole or of a part of the street or place proposed to be improved, pro-

vided that part only of such street or place, as described in the petition, shall not be improved unless the petition is signed as is required by the last preceding Section having regard only to the lands fronting on such part of the street or place.

Performance  
of work

7. After the Council has resolved to grant the request of any such petition in whole or in part as aforesaid, it shall be lawful for the said Council in the same or the succeeding year to carry on the proposed improvement or service to completion, before making the assessment therefor, and such petition so presented shall stand good as authority for undertaking any such improvement and making such assessment or assessments and passing all necessary by-laws whether the improvements shall have been or shall be undertaken and completed by the Council, to whom such petition is presented, or by the Council in the succeeding year.

8. By-laws passed under the provisions of subsection (b) of Section 3 of Part 7 of this Ordinance shall be promulgated by publication according to the provisions of Section 13 of Part 6 of this Ordinance.

Appeal

9. There shall be a right of appeal against every assessment and rating made under the authority of any by-law passed under the local improvement Sections of this Ordinance to a Court of Revision to be composed of the Mayor and Council of the Municipality and from such Court of Revision to a Judge of the Supreme Court of the Territories, in the same manner and by the same procedure, as nearly as may be, as in case of an appeal from an ordinary assessment.

Notice of frontage rate

10. Notice of every proposed special frontage rate shall be given by the Assessor to the registered owners, or addressed to the last Post Office address of each such owner known to the Assessor of the Municipality, of every parcel of land to be charged therewith, by registered letter and according as the improvement has actually been made or is only contemplated, the notice shall set forth:—

(a) The probable lifetime of the proposed improvement, as being the period over which the cost will be spread ;

(b) The probable or actual cost of the improvement ;

(c) The portion (if any) of the cost to be borne by the municipality at large ;

(d) The portion of the cost to be provided by special frontage assessment ;

(e) The frontage of the property upon which the special frontage assessment is to be levied stated in lineal feet ;

(f) The rates of special frontage assessment per foot frontage ;

(g) The amount chargeable to each lot or parcel of land assessed according to the rate per foot frontage ;

(h) The value of the land chargeable with the special frontage rate (exclusive of all improvements thereon) ;

(i) The time fixed for the sittings of the court of revision for the hearing of appeals in respect of the assessment and proposed special rate ; such sittings to be not earlier than fifteen days from the date of mailing of the notices.

11. A memorandum by the assessor in any proper book or roll kept for that purpose of the mailing of such notices and of the date thereof shall be prima facie evidence of the mailing of such notices in accordance with the last preceding Section on the date mentioned in the memorandum. Evidence of mailing

12. The decision of the court of revision or of the Judge, if there be an appeal from the court of revision, shall be final and conclusive upon all matters respecting the assessment and special rate. Decision final

By-law to re- 13. Every by-law passed for borrowing money for  
cite local improvements shall recite:—

Amount (a) The amount of the debt which such by-law is in-  
tended to create, and the object in general terms for  
which it is to be created ;

Annual pay- (b) The total amount required to be raised annually  
ment by special rate for paying the debt and interest under  
the by-law ;

Value of land (c). The total value of the land exclusive of improve-  
ments charged with the special assessment, and if any  
portion of the debt is to be borne by the municipality  
at large the value of the whole rateable property accord-  
ing to the last revised assesment roll :

Special rate (d). The annual special rate per foot-frontage for  
the paying of the interest and creating a yearly sink-  
ing fund for the payment of the debt or portion thereof  
not payable by the municipality at large, as the case  
may be, or for discharging the instalments of such prin-  
cipal and interest in case the debt is to be so payable,  
and if any portion of the debt is to be borne by the  
municipality at large the annual special rate in the  
dollar for the payment of the portion of the debt charge-  
able to the municipality at large, or for discharging the  
instalments of such principal and interest, as the case  
may be ;

On what credit (e) That the debt is contracted on the credit and se-  
curity of the municipality at large, but as to so much as  
is not to be paid by the municipality at large, the muni-  
cipality is to collect the same only by way of special  
frontage tax, as aforesaid.

Assent of 14. No by-law passed hereunder shall require the  
Electors assent of the electors, provided however that if the  
Council in any case of local improvement provides that  
more than one-third of the total cost of the improve-  
ments shall be paid by the municipality at large, and  
such sum shall be greater than can be properly paid



out of the current revenue of the year during which the improvement is made, then and in every such case the Council shall pass a separate by-law for the portion of money to be provided by the municipality at large, and said by-law shall, before being finally passed, receive the assent of the electors in the manner hereinbefore provided.

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## PART 8.

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1--EXECUTIONS AGAINST MUNICIPALITIES.

2--ARBITRATIONS.

3--OATHS AND DECLARATIONS,

4--PENAL CLAUSES.

5--FINES RE MUNICIPAL BY-LAWS.

9--EXPROPRIATION OF LANDS.

7--ACTION FOR DAMAGES.

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## EXECUTIONS AGAINST MUNICIPALITIES.

Direction of Sheriff 1. Any writ of execution against a municipality may be endorsed with the direction to the Sheriff to levy the amount thereof by rate, and the proceedings thereon shall be as follow :—

Sheriff's duty (1) The Sheriff shall deliver a copy of the writ and endorsement to the treasurer of the municipality, with a statement in writing of the amount required to satisfy such execution, including the amount of interest thereon and Sheriff's fees, and demand the payment of the same ;

Executionrate (2) In case the amount demanded is not paid to the Sheriff within thirty days after such delivery, the Sheriff shall examine the assessment roll of the municipality, and shall in like manner, as rates are struck for general municipal purposes, strike a rate sufficient in the

doliar to cover the amount claimed as aforesaid, with such addition to the same as the Sheriff deems sufficient to cover the interest, his own fees and the collector's percentage, up to the time when such rate will probably be available;

(3) The Sheriff shall thereupon issue a warrant or <sup>Sheriff's war-</sup> warrants under his hand and seal of office, directed to the collector or collectors respectively of the municipality, and shall annex to every precept the roll of such rate, and shall by such precept, after reciting the writ, and that the corporation had neglected to satisfy the same, and referring to the roll annexed to the warrant command the collector or collectors, within their respective jurisdiction, to levy such rate at the time and in the manner by Law required in respect to the general annual rates;

(4) In case at any time for levying the annual <sup>Collector's roll</sup> rates, next after receipt of such warrant or warrants, the collectors have a general rate roll delivered to them for such year, they shall add a column thereto headed; Execution rate in A. B. versus the Municipality of———as the case may be, adding a similar column, if there are more executions than one, and shall insert therein, the amount by such warrant or warrants to be levied upon each person respectively, and shall levy the amount of such execution rate aforesaid, and shall, within the time that they are required to make the returns of the general annual rate, return to the sheriff the warrant or warrants with the amount levied thereon, deducting their percentage;

(5) The sheriff shall, after specifying the execution <sup>Surplus</sup> and all fees thereon, pay any surplus, within ten days after receiving the same, to the treasurer, for the general purposes of the Municipality;

(6) In case the collector of any Municipality, against <sup>Collector's remuneration</sup> which an execution has issued, is not paid by percentage fixed by by-law of the Municipality, he shall be

paid for such collections a sum not exceeding two and one half per centum.

Officers of  
Court

2. The Clerk, Assessor and Collectors of the Corporation shall for the purposes of carrying into effect, or permitting or assisting the Sheriff to carry into effect the provisions of this Ordinance, with respect to such execution, be deemed to be Officers of the Court, from which such writ issued, and as such may be proceeded against by attachment, mandamus or otherwise, to compel them to perform the duties hereby imposed on them.

#### ARBITRATION.

Reference to  
disputes

3. In any case where a dispute arises between two Municipalities, or between a person and a Municipality, involving a claim for the payment of money or damages, or between two or more parties for the surplus money in the hands of a Municipality, in cases where property distrained for the payment of taxes has been sold for more than the amount of taxes and cost, either party to the dispute may require that the same be settled by arbitration.

Notice of  
appointment

4. In cases where arbitration is authorized, either party may appoint an arbitrator and give notice thereof in writing to the other party, calling upon him to appoint an arbitrator on his behalf, and a notice to a Municipality shall be given to the Chairman thereof.

Form

5. The appointment of all arbitrators shall be in writing under the hands of the appointers, or in case of a municipality, by a by-law of the Council.

Umpire

6. The two arbitrators appointed by or for the parties shall, within seven days from the date of the appointment of the last-named arbitrator, appoint in writing a third.

If more than  
two parties

7. Where more than two parties are interested, each of them shall appoint an arbitrator, and if there should

be an even number of arbitrators, the arbitrators so appointed shall appoint another arbitrator, or in default, at the expiration of twenty-one days after the last of such arbitrators has been appointed, the Lieutenant Governor may, on application of any one of the parties interested, appoint such arbitrators.

8. In case of neglect or refusal of any party to appoint an arbitrator when notified to do so, or in case of two parties appointed and being unable to agree upon a third, the Lieutenant-Governor shall, upon application of any one of the parties interested in such arbitration appoint a party or parties to act for, and on behalf of the party so refusing, or a third arbitrator, as the case may be.

Omission to  
appoint arbi-  
trator or un-  
pire

9. In case of an arbitrator between a municipality and the owners or occupiers of or other persons interested in real property entered upon, taken or used by the municipality in the exercise of any of its powers or injuriously affected thereby, if, after the passing of the by-law, any person interested in the property appoints and gives due notice to the chairman of the municipality of his appointment as an arbitrator to determine the compensation to which such person is entitled, the chairman shall, if authorized by by-law, within seven days, appoint a second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers the Council intends to exercise with respect to the property, describing it.

Expropriation

10. In such last mentioned arbitration, if, after service upon the owner or occupier of, or person so interested in the property, of a certified copy of a by-law, the owner or occupier or person so interested omits for twenty-one days to name an arbitrator, and give notice thereof as aforesaid the Council or the Chairman, if authorised by by-law, may name an arbitrator on behalf of the Council, and give notice thereof to the owner, occupier or a person so interested, and the latter shall, within seven days thereafter, name an arbitrator on his behalf.

Omission to  
appoint

- Meeting** 11. Within ten days after the appointment of the third arbitrator, the arbitrators appointed shall meet to hear and determine the matter referred to them.
- Time for award** 12. In any of the cases hereinbefore provided, the arbitrators shall make their award within one month after the appointment of the third arbitrator.
- Dis-qualification** 13. No member, officer or person in the employment of any municipality interested in any arbitration, shall be appointed to act as such arbitrator.
- Oath** 14. Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath before any justice of the peace or notary public:
- “I, A. B., do swear that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence to the best of my skill and knowledge. So help me God.”
- Evidence** 15. All evidence taken by any court of arbitration under this Ordinance shall be taken on oath; any arbitrator is hereby empowered to administer the same.
- Majority award** 16. A majority of the arbitrators so appointed shall make the award, and a copy thereof shall be furnished to each of the parties interested in the matter referred to arbitration.
- Costs** 17. The arbitrators shall have power to award the payment of a fixed sum by any of the parties to the other, for the costs of the arbitration, or of any portion thereof, including fees for their own services as follows:
- |   |        |
|---|--------|
| For every meeting where the cause is not proceeded with, but an enlargement or postponement is made at the request of any party, to each arbitrator, not exceeding. . . . . | \$2.00 |
| For every day's sitting to consist of not less than six hours, to each arbitrator, not exceeding. . .   | 10.00  |
| For every sitting, not extending to six hours (fractional parts of hours being excluded) where the arbitration is actually proceeded with, for each                         |        |



hour occupied in such proceedings, to each  
arbitrator, not exceeding ..... 2.00

18. Full notes of the evidence taken by arbitrators under this Ordinance shall be made, and together with any documents submitted in proof of any allegations made on behalf of parties interested, shall be retained by the Chairman of the Arbitration, or until an order is issued by a Judge of the Supreme Court, to produce the same in case of an appeal from the decision of the arbitrators. <sup>Evidence to be preserved</sup>

19. Every award under this Ordinance shall be in writing, and under the hands of all or a majority of the arbitrators, and shall be subject only to an appeal to the Supreme Court. <sup>Written award</sup>

20. An award made by arbitrators, under this Ordinance, may be referred back by the Supreme Court for amendment or for additional evidence, or may be set aside on questions of law but no questions of fact. <sup>Reference back</sup>

#### OATHS AND DECLARATIONS TO BE TAKEN UNDER THIS ORDINANCE.

21. Every person elected or appointed under this Ordinance to any office requiring a qualification of property ~~in~~ the incumbent shall, before he takes the oath of office or enters on his duties, make and subscribe a solemn declaration to the following effect: <sup>Property qualification</sup>

I do solemnly swear that I am a British subject ; that I had at the time of my election or appointment to the office of \_\_\_\_\_ in the Municipality of \_\_\_\_\_ (as the case may be) and still have in my own right ~~(or in the right of my wife)~~ such an estate as does qualify me to act in the said office and that such estate is (naming the nature of it) and is of the value of \_\_\_\_\_ dollars over and above all charges, liens and incumbrances affecting the same.

[Signed]

A.B.

22. Every member of the Municipality, Clerk, Assessor, Collector and Constable shall, before entering <sup>Oath of office</sup>

on the duties of his office, make and subscribe a solemn oath to the following effect :—

I, \_\_\_\_\_, do solemnly swear that I will truly, faithfully and impartially, to the best of my knowledge and ability execute the office of \_\_\_\_\_ to which I have been elected or appointed (as the case may be) in the Municipality of \_\_\_\_\_ and that I have not received and will not receive any payment or reward or promise of such for the exercise of any partiality or neglect or undue execution of the said office, and that I have not by myself or on behalf of any other person, either directly or indirectly, any interest in any contract with or on behalf of the said Municipality.

Auditor

23. Every Auditor, before acting as such, shall take the following oath :—

I, \_\_\_\_\_ having been appointed the officer of Auditor for the Municipality of \_\_\_\_\_ do solemnly swear that I will faithfully perform the duties of such office according to the best of my judgment and ability, and that I had not either directly or indirectly any share or interest whatever in any contract with, by or on behalf of such Municipality during the year preceding my appointment (except as Auditor, if such be the case) and that I have not any contract with the said Municipality except that of Auditor for the present year.

Election  
officers

24. Every Returning Officer, Deputy Returning Officer, Poll Clerk Candidate or Agent authorized to be present at any polling place shall, before exercising any of the functions of such Returning Officer, Deputy Returning Officer, Poll Clerk, Candidate or Agent at any polling place, take and subscribe before a justice of the Peace or the Clerk of the Municipality an oath in form as follows :—

“I, A.B., do swear that I will not at any time disclose to any one the name of any person who has voted at the election to be held in the Municipality of \_\_\_\_\_ the A.D. 18 \_\_\_\_\_ and that I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted, and will not in any way aid in the unlawful discovery of the the same and that I will keep secret all knowledge which may come to me of the person for whom any elector has voted. So help me God.

Officers to take  
oaths

25. Every Member of the Council and the subordinate officers of the Municipality shall take the oaths of

office and qualification before some justice of the peace or notary public, not being a member of the Council, and the justice of the peace or notary public shall give the necessary certificate of the same having been duly made and subscribed.

## PENAL CLAUSES.

26. If the Clerk fails to furnish ballot boxes in <sup>Ballot boxes</sup> manner herein provided he shall incur a penalty of one hundred dollars for every ballot box, which he has failed to furnish in the manner prescribed.

27. Any person who:

(a) Without due authority, supplies any ballot <sup>Ballot paper</sup> paper to any person;

(b) Or fraudulently puts into the ballot box any <sup>Other papers</sup> paper other than a ballot paper which he is authorized to put in:

(c) Or fraudulently takes out of the polling place <sup>Removing ballots</sup> any ballot paper;

(d) Or without due authority, destroys, takes, opens <sup>Destruction, etc.</sup> or otherwise interferes with any ballot box or packet of ballots then in use for the purpose of the election;

Shall, on conviction thereof, in a summary way, be <sup>Penalty</sup> fore a justice of the peace, be liable to a fine not exceeding two hundred dollars and costs of prosecution.

28. Any deputy returning officer, poll clerk, candidate or agent who interferes or attempts to interfere with any voter in marking his ballot, or who marks or causes to be marked a ballot paper so as to defeat the intentions of the voter, or who at any time communicates any information he may be possessed of as to the candidate or candidates for whom any vote has been given, or who induces any person to display his ballot paper so as to make known to himself or to any other <sup>Malfeasance by Election Officers</sup>

person the manner in which he has voted, or for or against whom he has marked his ballot paper, shall on conviction thereof, in a summary way, before two justices of the peace, be liable to a fine not exceeding, four hundred dollars, and costs of prosecution, or imprisonment not exceeding one year or both.

Neglect of duty 29. If any officer of the municipality refuses or neglects to perform any duty required of him by this Ordinance, he shall, on conviction thereof, be fined in a sum not exceeding one hundred dollars.

Recovery of penalties 30. Every fine and penalty imposed by or under the authority of this Ordinance may, unless where other provision is specially made therefor, be recovered and enforced with costs of prosecution, by summary conviction before any justice of the peace for the North-West Territories, notwithstanding such justice may be a member of the council or a ratepayer in the municipality interested in such prosecution; and all such fines and penalties, when recovered, shall form part of the general fund of the municipality wherein the same is imposed.

Procedure 31. Proceedings for offences under this Ordinance may be had, and proceedings therein taken and conducted under and by virtue of the Act of Parliament of Canada entitled "The Summary Convictions Act."

#### FINES, *et* MUNICIPAL BY-LAWS.

Extent of punishment 32. The council of every municipality may pass by-laws for inflicting reasonable fines and penalties, not exceeding one hundred dollars, exclusive of costs, for breach of any of the by-laws of the municipality and for inflicting reasonable punishment by imprisonment, with or without hard labor, either in the lock-up house of the municipality, or in the nearest common jail for any period not exceeding thirty days, in case of non-payment of the fine and costs inflicted for any such breach, unless such fine and costs, including the cost of committal, are sooner paid; except for breach of any by-law or by-laws passed for the suppression of houses of

ill-fame, for which the imprisonment may be for any period not exceeding six months' in case of the non-payment of the fines and costs, unless such fines and costs, including costs of committal, are sooner paid.

## MUNICIPAL.

### EXPROPRIATION OF LANDS.

33. The Council of every Municipality shall make Compensation for expropriation to the owners or occupiers of, or other person interested in lands entered upon, taken or used by the Corporation in the exercise of its powers, due compensation for any damages (including cost of fencing when required) necessarily resulting from the exercises of such powers, beyond any advantage, which the claimant may derive from the contemplated work, and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Ordinance.

34. In the case of real property, which a Council Lands held in Trust has authority under this Ordinance to enter upon, take, or use without the owner's consent, corporations, tenants in tail or for life, guardians, committees and trustees shall on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent whether infants unborn, lunatics, idiots, married women or others, have power to act as well in reference to any arbitration, notice and action under this Ordinance, as in contracting for and conveying to the Council any such lands, or in agreeing as to the amount of damages arising from the exercise by the Council of any power in respect thereof.

35. In case there be no such person, who can so act In case no Trustee in respect to such lands, or in case any person interested in respect to any such lands is absent from these Territories, or is unknown, or in case his residence is unknown, or he himself cannot be found, the Judge of the Supreme Court of the Judicial District, in which such property is situate, may, on application to the Council, appoint a person to act in respect to the same for all or any of the said purposes.

Estate not absolute

36. In case any person, acting as aforesaid, has not the absolute estate in the property, the Council shall pay to him legal interest on the amount to be paid in respect of such property and shall retain the principle to be paid to the person entitled to it, whenever he claims the same, and executes a valid acquittance therefor, unless the Judge of the Supreme Court of the Judicial District, in which such property is situate, in the meantime directs the Council to pay the same to any person or into Court; and the Council shall not be bound to see to the application of any interest so paid or of any sum paid under the direction of such Court.

Encumbrances

37. All sums agreed upon or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject;

Tender of compensation

38. The Council of any municipality, in all cases where claims for compensation or damages are made against them, which under the provisions of this Ordinance are declared to be the subject of arbitration, in the event of the parties not being able to agree, may tender to any person making such claim such amount, as they may consider proper compensation for the damage sustained, or lands taken, and in the event of the non-acceptance by the claimant or claimants of the amount so tendered and the arbitration being proceeded with and if an award is obtained for an amount not greater than the amount so tendered the costs of the arbitration and award shall, unless otherwise directed by the arbitrator, be awarded to the corporation and set off against any amount, which shall have been awarded against them.

#### ACTION FOR DAMAGES.

Liability of Municipality

39. In case an action is brought against a municipal corporation to recover damages sustained by reason of any obstruction, excavation or opening in the public highway, street or bridge placed, made, left or maintained by any corporation or by any person other than a servant or agent of the municipal corporation, the last mentioned corporation shall have a remedy



over against the other corporation or person for and Remedies over  
 may enforce payment accordingly of the damages and  
 costs, with any which the plaintiff in the action may  
 recover against the municipal corporation: provided,  
 nevertheless that the municipal corporation shall only  
 be entitled to the said remedy over if the other corpo-  
 ration or person shall be made a party to the action,  
 and if it shall be established in the action as against  
 the other corporation or person that the damages were  
 sustained by reason of an obstruction, excavation or  
 opening as aforesaid placed, made, left or maintained  
 by the other corporation or person: and the municipal  
 corporation may in such action have the other corporation  
 or person added as a party defendant or third party  
 for the purposes hereof, if the same is not already a  
 defendant in the action jointly with the municipal  
 corporation, and the other corporation or person may  
 defend such action as well as the plaintiff's claim as  
 against the claim of the municipal corporation to a  
 remedy over; and the Court or Judge upon the trial  
 of the action may order costs to be paid by or to any  
 of the parties thereto, or in respect of any claim set up  
 therein as in other cases.

## TENDERS OF AMENDS.

40. The council of any municipality, upon any Tender and  
 claim being made, or action brought for damages for payment into  
 alleged negligence on the part of the municipality, Court  
 may tender or pay into court, as the case may be,  
 such amount as they may consider proper compensa-  
 tion for the damage sustained, and in the event of the  
 non-acceptance by the claimant of such tender or the  
 amount paid into court, and the action being proceeded  
 with, and a verdict being obtained for no greater  
 amount than the amount so tendered or paid into  
 court, the cost of suit shall be awarded to the defen-  
 dants and set off against any verdict, which shall  
 have been obtained against them.

41. "The Municipal Ordinance" and all amending  
 Ordinances thereto are hereby repealed.

## PART 9.

## INTERPRETATION CLAUSES.

Interpretation 1. Unless otherwise declared or indicated by the context, whenever any of the following words occur in this Ordinance the meanings hereinafter expressed shall attach to the same, namely :—

Municipality (1) "Municipality" means any locality, the inhabitants of which are continued incorporated as a rural Municipality, town or city or become so under this Ordinance ;

Council (2) "Council" means the municipal council ;

Mayor (3) "Mayor" means the head of the council of a city or town municipality, and "Reeve" means the head of the council of a rural municipality, or the person filling for the time being that position or that of mayor

Lands (4) "Lands," "real property," and "real estate" respectively shall include all buildings or other things erected upon or affixed to the land, and all machinery or other things so fixed to any buildings as to form in law part of the reality, and all mines, minerals, quarries fossils in and under the same, except mines belonging to Her Majesty :

Personal estate [a] "Personal estate" and "personal property" shall include all goods, chattels, shares in incorporated companies, interest on mortgages, dividends from bank stock income and all other property except land and real estate and real property as above defined, and except property herein expressly exempted.

Elector (5) "Elector" means any person entitled for the time being to vote at any municipal election or in res-

pect of any by-law in the municipality or polling sub-division as the case may be ;

(6) "Owner" or "Proprietor" means any person <sup>Owner Proprietor</sup> who has the ownership or use of any taxable property, or has an agreement for purchase of the same :

(7) "Householder" means the occupier of a house, <sup>Householder</sup> but shall not mean or include any person who is a mere lodger or boarder in a house ;

(8) "Occupant" means a person who possesses, holds <sup>Occupant</sup> or occupies any land under any title whatsoever, or even without a title, or is occupying lands of the Crown under any style of location, agreement or tenure whatever :

(9) "Lot" means one of the sub-divisions into <sup>Lot</sup> which a piece or parcel of land has been divided for purposes of sale into smaller parcels, including the buildings and other improvements thereon ;

(10) "Revised Assessment Roll" means the assess- <sup>Revised as-</sup>ment roll as finally passed by the Court of Revision and certified by the Clerk, notwithstanding that an appeal to a Judge in respect thereof may be pending and after the decision of any such appeal, the said expression shall mean the said roll with any amendments made thereto by the Judge ;

(11) "Taxable person" means—

<sup>Taxable per-</sup>  
son.

[a] Any person receiving an annual income, or the owner of any personal property not exempted from taxation ;

[b] The owner of lands not exempt from taxation where the same are occupied by the owner or unoccupied ; otherwise the occupant ;

(12) "Judge" means a Judge of the Supreme Court <sup>Judge</sup> of the North-West Territories, usually exercising jurisdiction in the Judicial District in which the Municipality is situated ;

- Highway** (13) "Highway," "Road" or "Bridge," means a public highway, road or bridge respectively ;
- Hawkers** (a) The expression "hawkers" "peddlers" means and includes any person, who, being a principal or an agent or employce of any person not a resident within the Territories, sells, or offers for sale, any goods, wares or merchandise or carries and exposes samples or patterns of any goods, wares or merchandise, to be afterwards delivered within the Territories, to any person not being a wholesale or retail dealer in such goods, wares or merchandise, but shall not mean or include any person selling meat, fish, fruit or farm produce by retail ;
- Pedlers**
- Drainage** (14) The word "Drainage" in this Ordinance shall be held to include, and to have always included, sewerage and sewage.
- Resident** (15) The word "resident" in this Ordinance shall mean a person residing within the limits of the municipality.
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PART 10.  
APPENDIX.

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FORM A

(PETITION vide Section 9, Part 1.)

To His Honor the Lieutenant Governor  
of the North-West Territories. }

The Petition of the undersigned sheweth :

1. That they are respectively British Subjects, over twenty-one years of age, and now are and have been either owners or householders within the area herein described for twelve months last preceding the date of this petition.

2. That no part of said area lies within any existing Municipality.

3. That the total number of male British subjects, over twenty-one years of age, within the said area, who now are and have been either owners or householders, for twelve months next preceding the date of this Petition, is

Your Petitioners therefore pray that under the provisions of "The Municipal Ordinance," the following area, namely :  
may be established as a Municipality by the name of the Municipality of

And Your Petitioners will pray.

Dated,

18

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## FORM B.

(AFFIDAVIT TO ACCOMPANY PETITION, vide Section 10, Part 1.)

Canada, ) I,  
 North-West Territories, )

of  
 Territories, do solemnly swear:—

in the said

That I was personally present and did see the several persons, who names are subscribed thereto, sign the Petition hereto annexed, praying for the erection of the area therein described into a Municipality, by the name of

That the the total number of Persons duly qualified, in accordance with the said Ordinance, to sign the said Petition, is

That the total number of Persons, duly qualified, who have signed the said Petition, is

That public notice, a copy of which is hereto annexed, of such intended application, was posted on the day of 18, in three different places within the proposed area.

Sworn before me at

Territories, on the  
 of

in the said  
 day

18

## FORM C.

(NOTICE OF APPLICATION FOR INCORPORATION, vide Section 10 Part 1.)

## NOTICE.

Public notice is hereby given, that the undersigned and others will, by Petition, apply to His Honor the Lieutenant-Governor for the erection of the area hereinafter described into a Municipality, under the provisions of "The Municipal Ordinance," to be styled "The Municipality of—" (here insert the name proposed) namely: the area composed of (giving sections, townships, ranges, and meridians.)

Dated at

this

day of 18

A. B.,

C. D.,

E. F.,

Three of the Petitioners.



## FORM D.

(ELECTION NOTICE AT FIRST ELECTION, vide Section 10, Part 2.)

## NOTICE.

Municipality of

Public notice is hereby given to the Electors of the Municipality aforesaid, that, having been appointed by order of His Honor the Lieutenant-Governor, dated the \_\_\_\_\_ day of \_\_\_\_\_

18. Returning Officer to hold the first Election of Councillors  
for the said Municipality, I hereby require the presence of the said  
Electors, at \_\_\_\_\_ on (here insert day of week

as well as date) from ten until noon of the clock of the said day, for the purpose of nominating persons as Councillors for

the said Municipality; and that in case a Poll becomes necessary, such Poll will be opened on (here insert same day of the week for nomination of the next fo'lowing week) the

18, from the hour of nine in the forenoon until five o'clock in the afternoon, at (describe the polling station) or as the case may be, in each of the following polling divisions, that is to say :

For polling Division No. 1, consisting of (or bounded as follows, or otherwise describing it clearly) at (describing the polling station, and so continuing for all the other divisions and stations)

And that at (describe the place) on (day of the week) the day of 18, at o'clock, I shall sum up the votes and declare the result of the election.

And further notice is hereby given, that the first meeting of the Council for the said Municipality is, by these presents, called to be held at \_\_\_\_\_ o'clock on \_\_\_\_\_ the day of \_\_\_\_\_ 18 \_\_\_\_\_

Given under my hand at this day of 18 ,  
Returning Officer.

## FORM E.

NOTICE FOR NOMINATION AT SUBSEQUENT ELECTIONS,  
\* (vide Section 20, Part 2.)

## NOTICE.

Municipality of

Public Notice is hereby given, that a Meeting of the Electors of the Municipality aforesaid will be held at (description of place) on (day of the week) the                      day of                      18     , from

ten until noon of the clock of the said day, for the purpose of nominating persons to serve as Councillors for the said Municipality, for the next ensuing year.

Dated under my hand at                      this                      day of                      18  
Returning Officer.

## FORM F.

POLLING NOTICE AT SUBSEQUENT ELECTIONS,  
(vide Section 23, Part 2.)

## NOTICE.

## Municipality of

Public Notice is hereby given to the Electors of the Municipality aforesaid that a Poll has been granted for the Election now pending for the said Municipality, and that such Poll will be open on (here insert same day of the week as for nomination of the next following week) the .day of

18 , from the hour of nine in the morning till five of the clock in the afternoon, at (describe the polling station) or, as the case may be, in each of the following Polling Divisions, that is to say :

For the Polling Division No. 1 (or other designation), consisting of (or bounded as follows, or otherwise describing it clearly) at (describing the polling station and so continuing for all the other Polling Divisions and Stations in the Municipality.)

And that I will at (describe the place), on (day of the week), the day of 18 , at . o'clock, sum up the votes and declare the result of the election.

Given under my hand, at  
day of 18 .

this

Returning Officer.

# FORM G.—(Vide Section 31, Part 2.)

## BALLOT PAPER.

Election of the Council for the Municipality of  
 Polling Division No. (if divided into Polling Divisions),  
 Ward No. (if for a Ward),  
 day of 18 .

FOR COUNCILLORS.		FOR MAYOR.
	Adam.	Bull.
	Brown.	Jones.
	Campbell.	Smith.
	Hamilton.	
	Perley.	
	Richardson.	
	Swinford.	

N.B.—This Form to be adapted to circumstances.

## FORM H.

(Vide Section 34, Part 2.)

## DIRECTION FOR GUIDANCE OF VOTERS

The Voter will go into one of the apartments provided, and with a pencil make a cross opposite the name or names on the right hand side of the ballot paper of the party or parties for whom he wishes to vote, thus X.

If the Voter votes for more candidates than he is by Law entitled to vote for, his ballot paper will be void, unless he discovers the fact before the same is deposited in the ballot box, when he can obtain a new one from the Returning Officer.

If the Voter inadvertently spoils a ballot paper he can obtain a new one on satisfying the Returning Officer of the fact.

If the Voter places any mark on the ballot paper by which he will be afterwards identified, his ballot paper will be void.

The Voter, after he has made the cross X opposite the name or names of the party or parties for whom he wishes to vote, shall fold up his ballot paper so as to show the initials of the Deputy Returning Officer on the back thereof, but so as to conceal the manner in which he has voted, and shall deliver the same to the Deputy Returning Officer, and shall forthwith quit the polling place.

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## FORM K.

(Vide Section 23, Part 4.)

Non-Resident Assessment Roll for Year  
Municipality of

No. of Assessment.	The description and extent of the land, if not sub-divided into lots, by describing the section, or portion of section, township and range by their numbers or other description, or if sub-divided into lots, by giving the numbers and other description there- of, as far as the same can be ascer- tained,	The actual cash value of each parcel or lot of land.	Total value of the land.

## FORM L.

(TRANSFER OF LAND BY TREASURER, Vide Section 23, Part 5)

To all to whom these presents shall come, I,  
 \_\_\_\_\_, of \_\_\_\_\_, in the North-West  
 Territorial \_\_\_\_\_ Treasurer of (describe Municipality)

Greeting—

Whereas, by virtue of authority vested in me by "The Municipal Ordinance," I did on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_, sell by public auction the land hereinafter mentioned, for arrears of taxes and costs and charges thereon, to \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ at and for the price and sum of \_\_\_\_\_ lawful money of Canada, being the arrears of taxes due thereon, up to the \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_ together with costs.

Now know ye that I, \_\_\_\_\_, the said Treasurer, in pursuance of such sale, and of the said Ordinance, and for the consideration aforesaid, do hereby grant, bargain and sell unto the said \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ his heirs and assigns all that certain parcel and tract of land and premises containing \_\_\_\_\_ being composed (describe the land so that the same can be readily identified.)

In witness whereof I, the said Treasurer, have hereto set my hand and affixed the Seal of the said Municipality this the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord, one Thousand Eight Hundred and \_\_\_\_\_  
 \_\_\_\_\_  
 Treasurer.

[Seal.]

## NO. 4 OF 1894.

## AN ORDINANCE RESPECTING THE LEGISLATIVE ASSEMBLY OF THE TERRITORIES.

[Assented to 7th September, 1894.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :

1. The Legislative Assembly shall be composed of <sup>Legislative Assembly</sup> twenty-nine members elected to represent the electoral districts set forth in the Schedule to this Ordinance.
  2. The quorum required for the transaction of <sup>Quorum</sup> business in the Legislative Assembly shall be ten, of whom the Speaker may be one.
  3. Ordinance No. 18 of 1893 is hereby repealed.
-

## SCHEDULE

## Moosomin

1. The electoral district of Moosomin shall consist of that portion of the provisional district of Assiniboia bounded on the east by the western boundary of the Province of Manitoba; on the north by the line between Townships 18 and 19 in the Dominion lands system of survey; on the south by the Townships eleven and twelve, and on the west by the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member,

## Salteoats

2. The electoral district of Salteoats shall consist of the territory bounded on the east by the western boundary of the Province of Manitoba; on the north by the tenth correction line, being the line between townships thirty-eight and thirty-nine in the Dominion lands system of survey; on the south by a line which may be described as follows:—Commencing at the point where the line between townships eighteen and nineteen in the Dominion lands system of survey intersects the western boundary of the Province of Manitoba, thence westerly along the line between said townships eighteen and nineteen to its intersection with the second initial meridian in the Dominion lands system of survey, thence north along said second initial meridian to its intersection with the line between townships twenty and twenty-one being the sixth base line, thence westerly following said line between townships twenty and twenty-one to its intersection with the line between ranges three and four west of the second meridian in the Dominion lands system of survey, and on the west by the line between ranges three and four west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

## Yorkton

3. The electoral district of Yorkton shall consist of the territory bounded on the east by the line between ranges three and four west of the second initial merid-

ian in the Dominion lands system of survey ; on the north by the tenth correction line, being the line between townships thirty-eight and thirty-nine in the Dominion lands system of survey ; on the south by a line which may be described as follows:—commencing at the point where the line between townships twenty and twenty-one, being the sixth base line in the Dominion lands system of survey intersects the line between ranges three and four west of the second initial meridian in the Dominion lands system of survey, thence westerly following said sixth base line to its intersection with the line between ranges seven and eight west of the second initial meridian, thence northerly along the line between said ranges seven and eight to its intersection with the line between townships twenty-three and twenty-four, thence westerly along the line between said townships twenty-three and twenty-four to its intersection with the line between ranges ten and eleven west of the second initial meridian in the Dominion lands system of survey, and on the west by the line between said ranges ten and eleven ; and such electoral district shall return one member.

4. The electoral district of Whitewood shall consist of that portion of the provisional district of Assiniboia <sup>Whitewood</sup> bounded on the north by the sixth base line ; on the south by the line between townships eleven and twelve ; on the east by the second initial meridian, and on the west by the line between ranges six and seven, all west of the second initial meridian in the Dominion lands system of survey ; and such electoral district shall return one member.

5. The electoral district of Souris shall consist of that portion of the provisional district of Assiniboia <sup>Souris</sup> bounded on the south by the forty-ninth parallel of latitude, being the international boundary line ; on the east by the western boundary of the Province of Manitoba ; on the west by the line between ranges ten and eleven, and on the north by the line between townships six and seven, all west of the second initial meridian ; and in the Dominion lands system of survey such electoral district shall return one member.

Wolseley

6. The electoral district of Wolseley shall consist of all that territory within the provisional district of Assiniboia, west of the second meridian and which may be more particularly described according to the Dominionlands system of survey as follows:—commencing at the point where the line between townships eleven and twelve is intersected by the line between ranges six and seven, thence northerly along the line between said ranges six and seven to its intersection with the sixth base line, thence westerly following the sixth base line to its intersection with the line between ranges seven and eight, thence northerly along the line between said ranges seven and eight to its intersection with the northern boundary of township twenty-three, thence westerly along said northern boundary of township twenty-three to its intersection with the line between ranges ten and eleven, thence southerly along said line between ranges ten and eleven to its intersection with the northern boundary of township nineteen, thence westerly along said northern boundary of township nineteen to its intersection with the line between ranges eleven and twelve, thence southerly along said line between ranges eleven and twelve to its intersection with the said line between townships eleven and twelve, thence easterly along said line between townships eleven and twelve to its intersection with said line between ranges six and seven and being the place of beginning; and such electoral district shall return one member.

South  
Qu'Appelle

7. The electoral district of South Qu'Appelle shall consist of that portion of the provisional district of Assiniboia bounded on the south by the international boundary line; on the east by a line which may be described as follows:—Commencing at the point where the line between ranges ten and eleven intersects the international boundary line, thence northerly along said line between ranges ten and eleven to its intersection with the line between townships eleven and twelve, thence westerly along said line between townships eleven and twelve to its intersection with the line between ranges eleven and twelve, thence northerly along said line between ranges eleven and twelve



to its intersection with the line between townships nineteen and twenty; on the north by the line between townships nineteen and twenty; and on the west by the line between ranges sixteen and seventeen, all west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

8. The electoral district of North Qu'Appelle shall consist of all that portion of the provisional district of Assiniboia bounded on the south by the line between townships nineteen and twenty; on the east by the line between ranges ten and eleven; on the north by the ninth correction line, being the northern boundary of the provisional district of Assiniboia; and on the west by the line between ranges sixteen and seventeen, all west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

9. The electoral district of North Regina shall consist of that portion of the provisional district of Assiniboia bounded on the east by the line between ranges sixteen and seventeen; on the south by a line drawn through the centre of the track of the main line of the Canadian Pacific Railway; on the north by the ninth correction line, being the northern boundary of the provisional district of Assiniboia, and on the west by the line between ranges twenty three and twenty-four, all west of the second initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

10. The electoral district of South Regina shall consist of that portion of the provisional district of Assiniboia bounded on the south by the forty-ninth parallel of latitude or the international boundary line; on the east by the line between ranges sixteen and seventeen; on the north by a line drawn through the centre of the track of the main line of the Canadian Pacific Railway, and on the west by the line between ranges twenty-three and twenty-four, all west of the second initial meridian in the Dominion lands system of survey;

and such electoral district shall return one member.

Moose Jaw

11. The electoral district of Moose Jaw shall consist of that portion of the provisional district of Assiniboia bounded on the east by the line between ranges twenty-three and twenty-four; west of the second initial meridian; on the west by the line between ranges six and seven west of the third initial meridian; on the south by the international boundary line or forty-ninth parallel of latitude, and on the north by the ninth correction line, all in the Dominion lands system of survey; and such electoral district shall return one member.

Cannington

12. The electoral district of Cannington shall consist of that portion of the provisional district of Assiniboia bounded on the south by the line between townships six and seven; on the north by the line between townships eleven and twelve; on the east by the line between ranges twenty-nine and thirty, west of the first initial meridian, and on the west by the line between ranges ten and eleven, west of the second initial meridian all in the Dominion lands system of survey; and such electoral district shall return one member.

Medicine Hat

13. The electoral district of Medicine Hat shall consist of that portion of the provisional district of Assiniboia lying to the west of the line between ranges six and seven west of the third initial meridian in the Dominion lands system of survey; and such electoral district shall return one member.

Lethbridge

14. The electoral district of Lethbridge shall consist of that portion of the provisional district of Alberta bounded on the east by the western boundary of the provisional district of Assiniboia; on the south by the forty-ninth parallel of latitude or international boundary line, and on the north and west as follows: commencing at the point where the fifth base line in the Dominion lands system of survey intersects the western boundary of the provisional district of Assiniboia, thence westerly

following the said base line to its intersection with the line between ranges twenty-one and twenty-two west of the fourth meridian, thence southerly along the said line between ranges twenty-one and twenty-two to its intersection with the west bank of the Belly river, thence following the west bank of the said river to the point of junction of the St. Mary's river with the said Belly river, thence southerly and westerly, following the west bank of the St. Mary's River to its intersection with the south boundary of the Blood Indian Reserve, thence westerly following the south boundary of the said reserve to its intersection with the line between ranges twenty-seven and twenty-eight, west of the fourth meridian, thence southerly along the line between the said ranges twenty-seven and twenty-eight to its intersection with the first correction line, in the Dominion lands system of survey, thence westerly following along the south side of the said correction line to its intersection with the eastern boundary of the Province of British Columbia; and such electoral district shall return one member.

15. The electoral district of Macleod shall consist of <sup>that</sup> ~~that~~ portion of the provisional district of Alberta bounded on the north by the fifth base line in the Dominion lands system of survey; on the east and south by the western and northern boundaries of the electoral district of Lethbridge above described, and on the west by the eastern boundary of the Province of British Columbia; and such electoral district shall return one member.

16 The electoral district of East Calgary shall consist of <sup>that</sup> ~~that~~ portion of the provisional district of Alberta bounded on the east by the eastern boundary of said provisional district of Alberta; on the north by the line between townships twenty-four and twenty-five in the Dominion lands system of survey, and on the west and south as follows:—Commencing at the point where the line between townships twenty-four and twenty-five is intersected by the eastern boundary of sections twenty-one, twenty-eight and thirty-three in township twenty-four, range one, west of the fifth

meridian, thence southerly along saideastern boundary to its intersection with the south bank of the Bow river, thence easterly along the south bank of the said river to its intersection with the western limit of Centre Street in the City of Calgary, according to the registered plan of said City on file in the Land titles office in and for the South Alberta Land Registration District, thence southerly along said western limit of Centre Street, and its production southward to a point in section ten in said township, on the west bank of the Elbow river, thence southerly and westerly along the west bank of said river to its intersection with the northern boundary of the southerly tier of sections in said township, thence easterly along the northern boundary of said southerly tier of sections to its intersection with the west bank of the Bow river, thence southerly and easterly along the west bank of said river to its intersection with the fifth base line, thence easterly along the said fifth base line to the eastern boundary of the provisional district of Alberta; and such electoral district shall return one member.

11. The electoral district of West Calgary shall consist of all that portion of the provisional district of Alberta bounded on the east by the eastern boundary of the said provisional district of Alberta; on the north by the ninth correction line in the Dominion lands system of survey; on the west by the line between ranges three and four west of the fifth meridian, and on the south as follows: commencing at the point where the line between the said ranges three and four intersects the sixth correction line, thence easterly along the said line to its intersection with the west bank of the Bow river, thence northerly and westerly, following the west bank of the said river to its intersection with the northern boundary of the southerly tier of sections in township twenty-four range one west of the fifth meridian, thence westerly along the northern boundary of said southerly tier of sections to its intersection with the west bank of the Elbow river, thence northerly and easterly, following the west bank of the said river to a point thereon in section ten and being the inter-

section of said west bank of Elbow River with the production southerly of the western limit of Centre street, according to the registered plan of the City of Calgary, on file in the Land Titles office in and for the South Alberta land registration district, thence northerly to and along the said western limit of Centre street to its intersection with the south bank of the Bow river thence westerly, following the south bank of the said river, to its intersection with the line between sections twenty-one and twenty-two, in said township twenty-four, thence northerly along the eastern boundary of sections twenty-one, twenty-eight, and thirty-three to the line between townships twenty-four and twenty-five, thence easterly along the said line to the eastern boundary of the provisional district of Alberta; and such electoral district shall return one member.

18. The electoral district of High River shall consist of all that portion of the provisional district of Alberta bounded on the south by the fifth base line in the Dominion lands system of survey; on the west by the western boundary of the provisional district of Alberta; on the north by the sixth correction line, and on the east by the west bank of the Bow river; and such electoral district shall return one member.

19. The electoral district of Banff shall consist of that portion of the provisional district of Alberta bounded on the west by the western boundary of the provisional district of Alberta, on the north by the ninth correction line in the Dominion lands system of survey; on the east by the line between ranges three and four west of the fifth meridian, and on the south by the sixth correction line; and such electoral district shall return one member.

20. The electoral district of Red Deer shall consist of that portion of the provisional district of Alberta bounded on the east by the western boundary of the provisional district of Saskatchewan; on the south by the ninth correction line in the Dominion lands system of survey; on the west by the western boundary of the



provisional district of Alberta, and on the north as follows : Commencing at the point where the twelfth correction line in the Dominion lands system of survey intersects the western boundary of the provisional district of Alberta, thence easterly along the said line to its intersection with the line between ranges twenty-one and twenty-two west of the fourth meridian, thence southerly along the said line to its intersection with the line between townships forty-two and forty-three, thence easterly along the said line to the eastern boundary of the provisional district of Alberta; and such electoral district shall return one member.

#### Edmonton

21. The electoral district of Edmonton shall consist of that portion of the provisional district of Alberta bounded on the south by the twelfth correction line; on the west by the western boundary of the said provisional district of Alberta, and on the north and east as follows:—Commencing at the point where the fourteenth base line in the Dominion lands system of survey intersects the western boundary of the provisional district of Alberta, thence easterly along the said line to its intersection with the line between ranges twenty-four and twenty-five, west of the fourth meridian, thence northerly along the said line to its intersection with the line between townships fifty-three and fifty-four, thence easterly along the said line to its intersection with the line between ranges twenty-one and twenty-two west of the fourth meridian, thence southerly along the said line to the twelfth correction line; and such electoral district shall return one member.

#### Victoria

22. The electoral district of Victoria shall consist of that portion of the provisional districts of Alberta and Saskatchewan bounded on the east by the line between ranges seven and eight west of the fourth meridian in the Dominion lands system of survey; on the south by the eleventh correction line, and on the west and north as follows: commencing at the point where the eleventh correction line intersects the line between ranges twenty-one and twenty-two west of the fourth meridian, thence due north along the said line to its inter-



section with the line between townships fifty-three and fifty-four, thence due west along the said line to its intersection with the west bank of the North Saskatchewan river, thence northerly and easterly, following the west bank of the said river to its intersection with the line between ranges twenty and twenty-one, thence due north along the said line to the seventeenth base line, thence due east along the said line to its intersection with the line between the ranges seven and eight west of the fourth initial meridian; and such electoral district shall return one member.

23. The electoral district of St. Albert shall consist <sup>St. Albert</sup> of that portion of the provisional district of Alberta lying to the north of the electoral district of Edmonton and Victoria, hereinbefore described; and such electoral district shall return one member.

24. The electoral district of Battleford shall consist <sup>Battleford</sup> of that portion of the provisional district of Saskatchewan bounded on the east by the line between ranges eleven and twelve, west of the third meridian, in the the Dominion lands system of survey; on the north by the northern boundary of the said provisional district of Saskatchewan; on the south by the southern boundary of the said provisional district, and on the west as follows:—Commencing at the point where the said southern boundary intersects the eastern boundary of the provisional district of Alberta, thence northerly along the said east boundary line to its intersection with the eleventh correction line, thence easterly along the said correction line to its intersection with the line between ranges seven and eight west of the fourth meridian, thence northerly along the said line to its intersection with the seventeenth base line, thence westerly along the said base line to the eastern boundary of the provisional district of Alberta, thence north to the northern boundary of the provisional district of Saskatchewan; and such electoral district shall return one member.

25. The electoral district of Mitchell shall consist of <sup>Mitchell</sup> that portion of the provisional district of Saskatchewan, bounded on the south by the ninth correction line in the Dominion lands system of survey; on the

west by the line between ranges eleven and twelve west of the third meridian; on the north by the line between townships fifty-one and fifty two, and on the east by the line between ranges one and two west of the third meridian; and such electoral district shall return one member.

Batoche.

26. The electoral district of Batoche shall consist of that portion of the provisional district of Saskatchewan bounded on the west by and line between ranges one and two, west of the third initial meridian; on the south by the ninth correction line in the Dominion Lands system of survey; on the east by the line between ranges twenty-three and twenty-four, west of the second initial meridian, and on the north by a line which may be described as follows:—Commencing at the point where the line between ranges twenty-three and twenty-four west of the second initial meridian intersects the line between townships forty-four and forty-five, being the twelfth base line in the Dominion Lands system of survey, thence westerly along the said twelfth base line to its intersection with the line between ranges twenty-five and twenty-six west of the second initial meridian, thence northerly along the said line between ranges twenty-five and twenty-six to its intersection with the northern boundary of township forty-six A, thence westerly along the said northern boundary of township forty-six A to its intersection with the right bank of the South Saskatchewan river, thence southerly and westerly, following the right bank of the said river to its intersection with the line between ranges twenty-seven and twenty-eight west of the second initial meridian, thence southerly, following said line between ranges twenty-seven and twenty-eight to its intersection with the said twelfth base line and thence westerly along the said base line to its intersection with the line between ranges one and two west of the third initial meridian; and such electoral district shall return one member.

Kinistino.

27. The electoral district of Kinistino shall consist of that portion of the provisional district of Saskatchewan bounded on the east by the eastern limits of the said

provisional district; on the south by a line which may be described as follows:—Commencing at the point where the tenth correction line, being the line between townships thirty-eight and thirty-nine, in the Dominion lands system of survey, intersects the eastern limit of said provisional district, thence westerly following said tenth correction line to its intersection with the line between ranges ten and eleven west of the second initial meridian, thence southerly on the line between said ranges ten and eleven to its intersection with the ninth correction line, being the line between townships thirty-four and thirty-five, thence westerly on the said ninth correction line to its intersection with the line between ranges twenty-three and twenty-four west of the second initial meridian; on the west by the line between ranges twenty-three and twenty-four in the Dominion lands system of survey, and on the north by the line between townships forty-seven and forty-eight in the same system of survey; and such electoral district shall return one member.

28. The electoral district of Prince Albert West shall consist of that portion of the provisional district of Saskatchewan which may be more particularly described as follows: Commencing at the point where the line between ranges twenty-six and twenty-seven west of the second initial meridian in the Dominion lands system of survey intersects the north boundary of the said provisional district of Saskatchewan, thence due south following the said line to its intersection with the south bank of the North Saskatchewan river at Prince Albert Settlement, thence easterly following along the south bank of the said river to its intersection with the west line of the Presbyterian Mission lot (which said lot is numbered seventy-eight in the survey of Prince Albert Settlement, by Montague Aldous, D.L.S., and the plan of the said survey is on record in the Department of the Interior at Ottawa), thence due south following the west line of the said lot to its intersection with the south limit of the said Prince Albert Settlement, thence westerly and southerly following the south limit of Prince Albert Settlement to its intersection with the

line between sections nine and ten, in township forty-eight range twenty-six, west of the second meridian, thence following the line between sections nine and ten, and three and four to the southern boundary of the said township forty-eight, being the north boundary of township forty-seven in Range 26, thence easterly along the north boundary of township forty-seven to its intersection with the line between ranges twenty-five and twenty-six, thence southerly along the line between ranges twenty-five and twenty-six produced through the Chakastapasin Indian Reserve to its intersection with the northern boundary of the electoral district of Batoche, as herein before described, thence westerly and southerly coincident with the said northern boundary of the electoral district of Batoche to its intersection with the line between ranges one and two west of the third meridian, thence northerly along the said line between ranges one and two to its intersection with the line between townships fifty-one and fifty-two, thence westerly along the said line between townships fifty-one and fifty-two to its intersection with the line between ranges eleven and twelve, west of the third initial meridian, thence northerly following the line between the said ranges to its intersection with the northern boundary of the provisional district of Saskatchewan, thence due east following the northern boundary of said district to a point of beginning hereinbefore described; and such electoral district shall return one member.

Prince Albert  
East

29. The electoral district of Prince Albert East shall consist of that portion of the provisional district of Saskatchewan bounded on the west by the eastern limit of the electoral district of Prince Albert before described; on the north and east by the northern and eastern boundaries of the said district of Saskatchewan, and on the south by a line which may be described as follows: Commencing at the point where the line between townships forty-seven and forty-eight, in the Dominion lands system of survey; intersects the eastern boundary of the district of Saskatchewan, thence due west along the said line to its intersection with the line between ranges

twenty-three and twenty-four, west of the second meridian, thence due south along the said line to its intersection with the twelfth base line in the Dominion lands system of survey, thence due west following the said base line to its intersection with the eastern limit of the electoral district of Prince Albert, being the line between ranges twenty-five and twenty-six, west of the second initial meridian; and such electoral district shall return one member.

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## NO. 5 OF 1894.

## AN ORDINANCE TO AMEND THE JUDICATURE ORDINANCE.

[Assented to 7th September, 1894.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

§ 18 repealed | 1. Section 18 of "The Judicature Ordinance" and the several sub-sections thereof together with the subtitle thereto are hereby repealed.

§ 71 amended | 2. Section 71 of said Ordinance is hereby amended by striking out the word "or" where it last occurs in the second line thereof.

3. Section 73 of said Ordinance is hereby repealed and the following substituted therefor:

§ 73 repealed | "73. Where no appearance has been entered for a party all orders, notices, papers, documents in or relating to the action may, unless otherwise ordered by a Judge, be served by posting up the same or a copy thereof in the clerk's office and, where the address mentioned in the next preceding Section be not given, all such orders, notices, papers, and documents may be served in like manner: but, if an address is supplied and such address be illusory or fictitious, the Judge may on application of the plaintiff direct the manner in which such orders, notices, papers, and documents may be served."

§ 80 amended | 4. Section 80 of said Ordinance is hereby amended by striking out the word "disposing" in the 4th line thereof and substituting therefor the word "dispensing."

§ 96 S-S added | 5. The following sub-section is hereby added to Section 96 of said Ordinance:



(1) If, on the hearing of the application under this Section, it shall appear that a cause or causes of action other than for a debt or a liquidated demand have been joined therewith, the Judge may, if he shall think fit, forthwith amend the statement of claim by striking out such other cause or causes of action, or may deal with such claims for debts or liquidated demands as if no other claim had been joined in the action and allow the action to proceed as respects the cause or causes of action other than for such debt or liquidated demand.

6. Section 157 of said Ordinance is hereby amended <sup>S 157 amended</sup> by adding between the words "evidence" and "to," where they first appear therein, the words "either wholly or in part."

7. Section 192 of said Ordinance is hereby amended <sup>S 192 amended</sup> by inserting after the word "party," where it last appears therein, the words "or his agent."

8. Section 204 of said Ordinance is hereby amended <sup>S 204 amended</sup> by striking out the words "by virtue of the preceding sub-sections" in the 1st line thereof and by inserting the word "such" between the words "any" and "examination" in the second line thereof.

9. Section 205 of the said Ordinance is hereby <sup>S 205 amended</sup> amended by striking out the words "under this Section," where they appear in the 1st and 2nd line thereof.

10. Section 310 of said Ordinance is hereby amended <sup>S 310 amended</sup> by striking out the words "last preceding Section," where they appear in the 1st line thereof, and substituting therefor the words "Section 308 of this Ordinance."

11. Section 319 of said Ordinance is hereby amended <sup>S 319 amended</sup> by striking out the words "or one or more writ or writs of elegit," where they appear therein.

12. Section 327 of said Ordinance is hereby amended <sup>S 327 amended</sup>

by striking out the words "~~one year~~," where they occur therein, and substituting therefor the words "two years."

S 359 amended

13. Section 359 of said Ordinance is hereby amended by striking out the words "this bill detail" where they appear in the eighth line thereof and substituting therefor the words "his bill in detail."

S 366 amended

14. Section 366 of said Ordinance is hereby amended by striking out the word "three" in the second line thereof and substituting the word "two."

S 376 amended

15. Section 376 of said Ordinance is hereby amended by striking out the word "the" where it first appears in the 8th line thereof and substituting therefor the word "this."

S 378 amended

16. Section 378 of said Ordinance is hereby amended by striking out the word "accuring" in the first line thereof and substituting therefor the words "accruing due."

S 405 amended

17. Sub-section 1 of Section 405 of said Ordinance is hereby amended by striking out the word "additions" in the first line thereof and substituting therefor the word "occupation."

S 406 amended

18. Sub-section 1 of Section 406 of said Ordinance is hereby amended by inserting the word "by" between the words "sued" and "two" in the fourth line thereof.

S 525 amended

19. Section 525 of said Ordinance is hereby amended by striking out the words "shall be entitled to receive and take," where they appear therein, and by inserting at the beginning of said Section the words "there shall be paid to."

S 533 amended

20. Section 533 of said Ordinance is hereby amended by adding after the word "tariffs" the words "whether under writs of execution, or otherwise."

21. Section 536 of said Ordinance is hereby <sup>s 536 repealed</sup> repealed.

22. Section 544 of said Ordinance is hereby <sup>s 544 amended</sup> amended by striking out the last nine words thereof.

23. Section 559 of said Ordinance is hereby <sup>s 559 amended</sup> amended by inserting the words "or the taxation of costs" between the words "entered" and "or" where they appear in the fifth line thereof.

24. The Government of the North-West Territories <sup>Government may be garnished.</sup> Ordinance with regard to moneys due or accruing due to all persons permanently employed by the Government of the Territories.

25. Such garnishment process shall be served upon <sup>Service of process.</sup> the Clerk of the Legislative Assembly in his office.

26. The two last preceding Sections shall only apply <sup>Date of cause of action.</sup> to causes of action arising on or after the first day of September in the year one thousand eight hundred and ninety-four.

#### SMALL DEBT PROCEDURE.

27. In all claims and demands for debt ~~or breach of contract~~, <sup>Claims for debt or breach of contract under \$100</sup> whether payable in money or otherwise where the amount or balance claimed does not exceed \$100, the procedure shall, unless otherwise ordered or allowed by a Judge, be as follows:

28. Every plaintiff, when he enters an action with the clerk, shall do so by leaving with him (by post or otherwise) a simple statement in writing (with <sup>Statement of claim</sup> ~~a copy to file and as many copies of it as there are defendants~~ <sup>one for each copy writ desired</sup>) of the cause of action; in the case of an account, the particulars may be in the usual form of items of an account or otherwise; in the case of a bill, note or order, a copy thereof shall be furnished, and in the case of a claim under any other written instrument a copy thereof shall be furnished or a concise statement of

the purport or effect of it shall be given to the extent of exhibiting the grounds of action, so that in each case it may be known or understood by a person of ordinary intelligence what the action is brought for, and the clerk shall attach such statement to the summons and shall attach to each copy of such summons a copy of such statement.

Post office address to be given

29. The plaintiff shall also at the time he so delivers his statement to the clerk inform him of his post office address, and of the full name of the defendant where practicable, and also of his place of residence and post office address, with as much certainty and particularity as possible.

Issue of writ

30. Upon receipt of such claim and upon payment of the proper fees therefor, the clerk shall enter such claim in the procedure book to be kept by him for that purpose and shall issue a summons corresponding in substance with the Form A, in the Schedule of forms hereto, where the cause of action is within Section 35 hereof, and with the Form B in said Schedule where the cause of action is not within said section, and shall make out as many copies of said summons as there are defendants.

Writ to be delivered to plaintiff with affidavits of service

31. Upon the issue of said summons the clerk shall deliver or transmit the same and the copies thereof with the copies of claim attached thereto to the plaintiff and, or as he may direct, and shall attach to the original summons as many copies of the affidavit of service in the Form C in the Schedule hereto, as there are defendants in said suit.

Time for appearance

32. The summons shall be returnable,

(a) Where the defendant resides in the judicial district from whence the summons issued, at the expiration of 20 days from the service thereof;

(b) Where the defendant resides in any judicial district in the Territories other than that in which such summons issued at the expiration of 25 days from the service thereof;

(c) Where the defendant resides in any place in

Canada, outside the Territories, or in the United States of America, at the expiration of 30 days from the service thereof;

(d) Where the defendant resides in any part of the United Kingdom, at the expiration of 30 days from the service thereof;

(e) In any of the above cases it shall not be necessary to obtain an order for service out of the jurisdiction.

33. After the service of the said summons upon the defendant, the plaintiff shall forthwith cause it to be returned to the clerk accompanied by an affidavit of service thereof in the said Form C. After service writ to be filed

34. After the receipt of such summons with the affidavit of service thereof the clerk shall, after the expiration of the time limited therein for appearance thereto, notify the plaintiff or his advocate whether the defendant has or has not entered a dispute to the same. Clerk to notify plaintiff whether dispute filed

35. In actions where the claim or demand is a mere account or is ascertained by some instrument signed by the defendant, as a merchant's account, the price of goods sold and delivered, a claim for work and services, money paid, money lent, rent, a promissory note, a bill, order, bond, covenant for the payment of money, or other memorandum showing the liability for the payment of a sum certain or which can be ascertained by computation and the defendant does not appear according to the writ of summons, the clerk may, upon the said summons being returned to him with an affidavit of the due service thereof after the time for appearance has expired, sign judgment for the amount of the claim and costs against the defendant by entering in his procedure book the words "judgment against the defendant by default" stating the date of such entry and such entry shall be the judgment of the court in the cause, and execution may issue and other lawful proceedings be taken Judgment by default in certain cases

Proviso

thereon. Provided always, it shall be competent for any Judge on application by the person feeling himself aggrieved by any such judgment, to set aside the said judgment and to let the defendant in to defend the said action, or to stay proceedings on such terms as to costs and otherwise as to him shall seem just.

Dispute

36. If the defendant desires to defend any action or suit, he must cause a written dispute note in the form "D" in the Schedule hereto to be delivered by post or otherwise to the Clerk before the entry of judgment, in which shall be stated briefly the nature or grounds of his defence and where a claim is disputed in part only he shall state what part thereof or the items he disputes.

Defendant's  
Address

(1) The defendant shall in his notice of dispute give his post office address.

Affidavit of  
merits

*rep. by no. 7 of 1895.*

(2) Where the cause of action is of the class of those mentioned in Section 35 hereof such dispute note shall be accompanied by an affidavit of the defendant, or one of the defendants, his advocate or agent, or some one who has knowledge of the facts, in the form "E" in the Schedule hereto, stating that the defendant or one or more of the defendants as the case may be has a good defence to the action on the merits on the grounds stated in his notice of dispute and that he is not entering the defence merely for the purpose of procuring time.

Dispute note  
stating ground  
of defence

*rep. by no. 7 of 1895.*

37. If the cause of action is within the provisions of Section 35 hereof and the defendant fails or neglects to state the grounds of his defence in said dispute note the plaintiff may have judgment signed against him by default for the amount claimed by the plaintiff; but the Judge, on application thereafter of the defendant, and on such terms as he shall see fit to impose may cause such judgment and the proceedings thereunder to be set aside or stayed and allow a proper dispute note to be filed, or order the cause to be heard summarily taking the affidavit of the defendant filed on such application as a dispute note or statement of defence.



38. In suits other than those mentioned in Section 35 of this Ordinance it shall not be necessary for the defendant to file an affidavit as in sub-section 2 of Section 36 hereof and if no notice of dispute is delivered within the time limited therefor by the summons or if the notice of dispute delivered in any such case does not state the grounds of the defence in the manner prescribed by this Ordinance, the cause of action shall, unless otherwise ordered by the Judge, be deemed to be admitted and such notice of dispute shall operate merely as a denial of the plaintiff's right to recover the full amount claimed by him in respect of such cause of action; in any such case the amount which the plaintiff is entitled to recover shall be ascertained in such manner as the Judge shall direct.

Judgment where amount not ascertained

ref. by No. 7 of 1895.

39. A defendant in any action may set off or set up by way of counter-claim against the claim of the plaintiff any right or claim whether such set-off or counter-claim sound in damages or not: such set-off or counter-claim shall have the same effect as if such relief were sought in a cross action so as to enable the Court to pronounce a final judgment in the same action both on the original and on the cross claim.

Set-off or counter-claim

40. In case of set-off or counter-claim the defendant, his advocate, or his agent or someone who has a knowledge of the facts shall, with his notice of set-off or counter-claim, file an affidavit that the defendant has a good defence to the action by way of set-off or counter-claim on the merits and that such defence is not put in for the purpose of procuring time only and a statement of the nature and particulars of such set-off or counter-claim together with such affidavit shall be filed with the Clerk of the Court from which the summons has issued within the time limited by said summons for the defence to be entered or such further time as the Judge may order, and a copy of such set-off or counter-claim shall also be left with the said Clerk, who shall thereupon forward the same to the plaintiff, and in case of default in complying with the requirements of this Section the Judge may refuse to allow the defendant to go into his set-off or counter-

Affidavit of merits with set-off

ref. by No. 7 of 1895.  
Copy for plaintiff

claim or may adjourn the case and may impose such terms and conditions as to costs and payment of money into Court or otherwise as shall under the circumstances seem to him right and just.

En 41. After the filing by the defend-  
 dant of his dispute note the clerk shall  
 inform the Judge that such dispute is  
 so filed and the Judge shall thereupon  
 set the case down for trial in chambers  
 or such other place as the Judge may  
 deem expedient and at such time as to  
 him may seem expedient, provided fur-  
 ther that either party may be repre-  
 sented on the trial in person by ad-  
 vocate or agent. . . . . notice to the plaintiff  
 Afft. d. c. may

Setting 42. Provided however that this Section  
 shall in no wise affect the right of  
 the plaintiff to move to strike out  
 the said dispute note and for judge-  
 ment or in any way curtail the powers  
 given under Section 40 of this Ordinance.  
 Setting cause trial

place for the trial of such actions.

(1) Such trial may be held in Chambers or at such other place as the Judge may deem expedient.

Notice of trial 43. Upon the time and place of trial of an action being so fixed by the Judge, the Clerk shall notify each party to appear for trial and that, in default of appearance thereat, judgment may be given against him by default with costs: such notice shall be forwarded by registered post to the respective addresses given by them of the time and place fixed for such trial provided that if a defendant shall in his notice of dispute omit to state his post office address, the notice to him shall be mailed to the address stated by the plaintiff as required by Section 29 of this Ordinance.

(1) Such notice of trial shall be mailed to the parties at least twenty-five days before the date of trial.

*rep. by  
no. 7 of 1895.*

44. At any time before the trial of the action, either <sup>Postponement</sup> of the parties may on reasonable notice to the other party, or at the trial without notice apply for a postponement of the trial or a change of the place fixed for same, and the Judge may thereupon give such direction as to postponement or change of place of trial, and as to costs as he may deem fit.

(1) All notices, summons to show cause and orders required to be served upon any party to the action may, unless otherwise ordered by the Judge, be served by mailing the same to him by registered post to the post office address given by him to the Clerk of the Court under the provisions hereof or, if no such address has been given, to his last known post office address.

45. Unless the Judge shall otherwise order, in case any action falling within the class provided for in Section 27 hereof is brought under the general procedure of "The Judicature Ordinance," and the plaintiff succeeds, or in case in an action brought under the general procedure of "The Judicature Ordinance" to recover over \$100, the plaintiff recover less than that sum, he shall recover only such costs as he would have recovered had the action been brought under the provisions of this Ordinance relating to small debt procedure, and the defendant in any such action shall be entitled to tax his costs of suit as between advocate and client, and so much thereof as exceeds the taxable costs of defence which would have been incurred had the proceedings been had under said sections, shall, on entering judgment, be set off and allowed by the Clerk against the plaintiff's costs under such sections to be taxed or against the costs to be taxed and the amount of the judgment, if it be necessary, and if the amount of the costs so set off exceeds the amount of the plaintiff's judgment and taxed costs, the defendant shall be entitled to judgment for the excess against the plaintiff.

*Costs where action brought in wrong scale*

Advocate's fee

46. In every case where an action is defended, and an advocate is employed by the successful party, the clerk, in addition to all other costs, shall, unless otherwise ordered by the Judge, tax to the successful party an advocate's fee equal to ten per cent. of the amount of the judgment recovered, if such fee is taxable to the plaintiff, or equal to ten per cent. of the amount claimed by the plaintiff in the action, if such fee is taxable to the defendant. Provided that in no case shall the fee so taxable be less than \$1 and, except as herein provided, no other counsel or advocate fee shall be taxable or payable as between party and party.

Clerk's fees

47. There shall be paid to the Clerk or Deputy Clerk and Sheriff or Deputy Sheriff, respectively, for their services in actions and suits within the provisions hereof, the fees prescribed by tariff of Clerk's and Sheriff's fees appended to this Ordinance.

48. Witnesses and interpreters shall be entitled to the fees and remuneration set forth in the tariff of witnesses and interpreters appended to this Ordinance, and such fees shall be taxable to or against the successful party, as the case may be, to the same extent as they are taxable in other cases under said Ordinance. Provided that the Judge may in any case direct the taxation to either party of the reasonable costs and expenses of obtaining evidence by commission or otherwise.

Matters not provided for

49. Except as to the matters specially provided for in this Ordinance, the law and general principles of procedure or practice under "The Judicature Ordinance" as hereby amended, and where not inconsistent herewith, shall be adopted and applied.

Proviso

50. It shall not be necessary upon the commencement of any proceeding or the issue of any process in actions coming under the provisions hereof for any party to file a praecipe, nor shall it be necessary to endorse upon any such process the name of

the person by whom, or on whose behalf the same was issued.

51. No proceedings under this Ordinance shall be deemed invalid for informality provided the same are a substantial compliance with the requirements of this Ordinance as to such proceeding. Informalities

52. The repeal of said Section 18 of said Ordinance and the several sub-sections thereof shall not affect any actions brought under the provisions thereof which are pending at the time of the passing of this Ordinance and the proceedings in all such actions shall hereafter be carried on as if said Section and subsections had not been repealed and as if the provisions hereof relating to small debt procedure had not been enacted.

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## SCHEDULE OF FORMS.

## FORM A.

IN THE SUPREME COURT OF THE NORTH-WEST TERRITORIES.

Judicial District of

Between

A. B.,  
 Plaintiff,  
 and  
 C. D.,  
 Defendant.

To C. D., the above named defendant.

The plaintiff demands of you \$ , as shown by his claim  
 hereto attached or endorsed hereon.

You are notified that this summons is returnable on the  
 day after the day of the service thereof upon you. If you dispute  
 the claim or any part thereof you are to leave with the  
 Clerk of this Court at in said Judicial District,  
 within days after the said service upon you, the dispute  
 note hereto attached, or one to the like effect, and also make and  
 leave with the said Clerk an affidavit in the form accom-  
 panying the dispute note hereto attached, or to the like effect,  
 otherwise, after such return day has passed, the  
 Clerk may sign judgment against you by default for the  
 plaintiff's claim and costs, but in case you give or send by  
 mail or otherwise, said dispute note and affidavit to the said  
 Clerk, together with the sum of \$ for his fees,  
 and he receives the same within said time, the cause will be tried at  
 a sittings of this Court, and you will receive due notice of the time  
 and place of such trial by registered letter, sent prepaid to the ad-  
 dress given by you in said dispute note.

Dated the day of 18 .  
 By the Court,  
 Clerk.

*Memo.—There shall be endorsed upon the summons and copies  
 thereof a copy of Section 40 of this Ordinance, and to each copy of  
 summons at the time of issuing same the Clerk shall attach blank forms  
 similar to Forms C. D. and E. of this Schedule, and shall fill in the  
 style of cause in each of such forms.*

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## FORM B.

IN THE SUPREME COURT OF THE NORTH-WEST TERRITORIES.

Judicial District of

Between

A. B.  
 Plaintiff,  
 and  
 C. D.  
 Defendant.

To C. D. the above named defendant.

Take notice that the plaintiff claims from you \$                      as shown by his claim hereto attached or endorsed hereon.

If you dispute the same or any part thereof you are to leave with the                      Clerk of this Court at                      in said Judicial District within                      days after the service hereof upon you the dispute note hereto attached or one to the like effect. In case you give or send by mail or otherwise said dispute note to the said Clerk, together with the sum of \$                      for his fees, and he receives the same within said time, the cause will be tried at a sittings of this Court, and you will receive due notice of the time and place of such trial by registered letter, sent prepaid to the address given by you in such dispute note.

If no such dispute note is filed the plaintiff's cause of action shall be deemed to be admitted and the amount the plaintiff is entitled to recover in respect thereof will be ascertained in such manner as a Judge shall direct.

Dated the                      day of                      18  
 By the Court,                      Clerk.

*Memo.*—There shall be endorsed upon the summons and copies thereof a copy of Sections 38 and 40 of this Ordinance, and to each copy of summons at the time of issuing same the Clerk shall attach blank forms similar to forms "C." and "D." of this Schedule and shall fill in the style of cause in each of such forms.

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## FORM C.

IN THE SUPREME COURT OF THE NORTH-WEST TERRITORIES.

Judicial District of

Between

A. B.,  
Plaintiff,  
and  
C. D.,  
Defendant,

I \_\_\_\_\_ of \_\_\_\_\_ (occupa-  
tion) make oath and say :—

1. That I did on \_\_\_\_\_ the \_\_\_\_\_ day of  
18 \_\_\_\_ personally serve C. D. the above-named de-  
fendant with a true copy of the summons herein, hereunto annexed,  
by delivering the said copy to and leaving the same with the said  
defendant at \_\_\_\_\_

2. That at the time of such service there was attached to said copy  
of summons so served a true copy of the particulars of claim at-  
tached to or endorsed upon said annexed summons.

3. That at the time of such service there was also attached to  
said copy of summons blank form entitled in this cause of which  
the form marked " D " or " D and E," (as the case may be), true  
cop \_\_\_\_\_

4. That to effect such service I necessarily travelled  
miles.

Jurat.

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## FORM D.

IN THE SUPREME COURT OF THE NORTH-WEST TERRITORIES.

Judicial District of

Between

A. B.  
 Plaintiff,  
 and  
 C. D.,  
 Defendant.

Take notice that I dispute the plaintiff's claim on the following grounds :—

Here state briefly the  
 grounds of defence in such  
 manner that the particu-  
 lar nature of the defence  
 may readily be ascertained

My Post Office address is :

C. D.

*NB.—This note must be sent by mail or otherwise to the Clerk  
 of the Supreme Court at (address to be filled in by Clerk)  
 within days from service*

## FORM E.

IN THE SUPREME COURT OF THE NORTH-WEST TERRITORIES.

Judicial District of

Between

A. B.,  
Plaintiff,  
and  
C. D.,  
Defendant.

I \_\_\_\_\_, of \_\_\_\_\_ (occupation)  
make oath and say :—

1. I am the above-named defendant (*or* one of the above-named defendants.)

2. I, (or the above-named defendants) have a good defence to this action on the grounds stated in my (*or* the defendants) notice of dispute herein, hereto annexed, and that I am (*or* the defendants are) not entering a defence to this action merely for the purpose of procuring time.

Jurat.

ref. by no. 7 of 1893.

## CLERK'S FEES.

The following fees and no others shall be paid to Clerks of the Court for the several services under the Small Debt procedure herein provided for :—

	cts.
Receiving claim, entering in procedure book and issuing summons	75
Garnishee summons or writ of attachment, including examining affidavits	50
Every original subpoena	50
Every copy of summons, garnishee or subpoena	10
Entering dispute note, or appearance by garnishee	25
On payment of money into court without dispute note	25
Every notice of trial	20
Hearing fee in contested cases	50
Every chamber summons or Judge's order, including entering	25
Every commission to examine witnesses or exemplification of judgment	50
Every appointment	10
Every search	10
Entering every judgment by default, including search for dispute and taxation of costs and necessary filings	50
Filing every exhibit at trial (no other filings to be allowed)	10
Every reference to the Clerk, per hour actually engaged	75
Every certificate	25
Every writ of execution	50
Every renewal thereof	25
Copies of documents, per folio	10
Necessary postages	

## WITNESS FEES.

In cases under Small Debt procedure

Attendance per day	\$1.00
Mileage, each way	10

Where railway can conveniently be used, witnesses shall only be allowed such sum as would be sufficient to pay railway fare in coming to, and returning from place of trial, in no case to exceed mileage at above rate.

## INTERPRETERS.

In cases under Small Debt procedure,  
Per day employed

\$2 00

## SHERIFF'S FEES.

The following fees and no others shall be allowed to Sheriffs, Deputy Sheriffs and Bailiffs for services under the Small Debt procedure.

	\$	cts.
Service of summons or other process, including affidavit of service, oath and return	50	
Every seizure	50	
Schedule of goods seized, including copy for person whose goods seized	75	
When over 500 words, per 100 over 500	10	
Every mile necessarily travelled from the post office nearest to point of service, seizure or settlement to serve summons or process, or in going to seizure under an attachment or under execution where money made or settlement effected after levy, provided that there shall be only one allowance of mileage fees in and about a seizure, and the sale consequent thereon	15	
Every bond including affidavits	1 00	
Notice of sale	30	
Each copy, not exceeding five, including posting up	10	
Notice of postponement, including copies	25	
All necessary disbursements for removal and care of property seized		

For poundage on executions five per cent. upon the amount realized from the sale of the property, but not upon any sum greater than called for by the writ under which the officer acts.



## NO. 6 OF 1894.

## AN ORDINANCE RESPECTING THE FORMATION OF IRRIGATION DISTRICTS.

[Assented to 7th September, 1894.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. This Ordinance may be cited and known as "The Title Irrigation District Ordinance."

Unless the context otherwise requires,

(a) The word "Act" shall mean the Act of Parliament of Canada known as "The North-West Irrigation Act," and shall include any amendments thereto which may hereafter be passed. Interpretation  
"Act"

(b) The word "Board" means the board of trustees of any district under the provisions hereof. "Board"

(c) The word "District" means any irrigation district created under the provisions hereof. "District"

(d) The word "Homesteader" shall mean any person who, under the provisions of "The Dominion Lands Act" and amendments thereto, has entered for lands in the district or in the area proposed to be erected into a district under the provisions hereof, and whose entry therefor has not been cancelled. "Householder"

(e) The word "Works" shall, for the purposes of this Ordinance, have the same meaning as is given to it in sub-section (e) of Section 2 of the Act. "Works"

(f) The word "Voter" shall mean any person duly qualified under the provisions hereof to vote at any "Voter"

election or upon the taking of any vote under the provisions hereof.

Petition for  
formation of  
District

2. Any number of the owners and homesteaders of land situated within any tract of land, any portion of which is capable of being served by any works which may be authorized to be constructed under the provisions of the Act, may petition the Lieutenant-Governor-in-Council to erect such tract into an irrigation district under the provisions hereof, and such petition shall clearly define the area and boundaries of such tract.

Statement, etc  
to accompany  
petition

(b) Attached to such petition shall be a statement similar to the memorial prescribed by Section 12 of the Act and the sub-sections of said Section; and containing all the information required to be contained in such memorial, and there shall also be attached thereto maps and plans similar in all respects to those prescribed by said Section and sub-sections, and such statement and maps and plans shall be accompanied by an affidavit of some person having knowledge of the facts to the effect that the same are true and correct in every particular.

Area

(c) At least ~~one-half~~ <sup>Two-thirds</sup> of the land comprised within such area shall be shown by such statement and maps and plans to be capable of being irrigated by the proposed works.

Fee

(d) Such petition shall also be accompanied by a fee of \$10.00.

Notice of ap-  
plication

3. Upon receipt of such petition by the Lieutenant-Governor-in-Council, he shall cause a notice to be published in two successive issues of the Official Gazette of the Territories, stating that an application has been made for the erection of such tract (describing it) into an irrigation district under the provisions hereof.

Appointment  
of Committee

4. If at the expiration of two weeks from the last publication of said notice there is found to exist no substantial objection to the erection of the proposed district, the Lieutenant-Governor-in-Council shall ap

point a committee of three of the petitioners to take a vote of the voters in such area upon the question of the erection of such district.

5. The persons qualified to vote at the taking of the vote in the last preceding Section mentioned, or at any election or upon the taking of any vote in any district under the provisions hereof shall be every person of the full age of twenty-one years who, at the time of the taking of the vote, is the owner or homesteader of land situated in such district, or in the area proposed to be erected into such district, having a habitable house thereon or containing not less than 160 acres, or who, for at least the three months next preceding such election or the taking of such vote, has been a *bona fide* occupant of any such land under a *bona fide* agreement for the purchase thereof. Qualification  
of voters

6 The Lieutenant-Governor-in-Council shall cause such committee to be notified of their appointment and, on receipt of said notification, such committee shall cause a notice signed by them and in the Form A in the Schedule hereto calling a meeting of the voters of said area, to be posted up in at least ten conspicuous and widely separated places within such area, one of which places shall be the post office therein or nearest thereto and shall also cause a copy of said notice to be published at least one week before the time fixed for the meeting in some weekly newspaper published in said district or, in case there is none published therein, in a newspaper published at the place nearest thereto. Meeting of  
voters to be  
called

A certified copy of said notice together with an affidavit by a member of such committee of the due posting and publication thereof in the manner hereinbefore mentioned shall be forwarded by the committee to the Lieutenant-Governor-in-Council. Copy to be  
sent to Lt. Gov.

7. At the hour appointed in the notice calling such meeting, which shall not be later than ten o'clock in the forenoon, the voters in such area shall organize a meeting by appointing a chairman and secretary. Chairman and  
Secretary

- Duties of Chairman** 8. The chairman shall decide all questions of order, subject to an appeal to the meeting and, in case of an equality of voters, he shall give the casting vote, but he shall have no vote except as chairman.
- Taking vote** 9. The chairman shall take the votes in the manner desired by a majority of the ratepayers present ; but he shall, at the request of any two ratepayers, grant a poll for recording by the secretary the names of the voters present : such poll shall be opened not later two o'clock p.m. and close at 5 o'clock p.m.
- Oath of voter** 10. If required by any person present, or of his own accord, if deemed advisable, the chairman shall administer an oath of qualification in accordance with the provisions of Section 5 hereof.
- Election of Trustees** 11. As soon as the majority of the voters at the first meeting have decided in favor of the erection of the district, the resident ratepayers shall, at such meeting, by a majority of votes, elect three trustees who shall be resident voters of the district.
- Chairman disqualified** 12. The chairman at the first election of trustees shall not be eligible for the office of trustee.
- Number of votes** 13. Every voter shall have as many votes as there are trustees to be elected, but shall in no case vote more than once for one candidate at the same election.
14. The trustees elected at the first meeting shall be declared to hold office as follows :—
- Term of office of Trustees** (1) The candidate receiving the highest number of votes, either by polling or show of hands, as the case may be, or the first one nominated, if no vote has been taken, shall be elected to serve until and including the thirty-first day of December of the second year following the election.
- (2) The candidate receiving the second highest number of votes, or second highest in order of nomination, shall be elected to serve until and including the thirty-

first day of December of the year following the election.

(3) The candidate receiving the third highest number of votes or the third in order of nomination shall be elected to serve until and including the thirty-first day of December following the election.

(4) Provided always, that when the election takes <sup>Proviso</sup> place between the thirtieth day of June and the thirty-first day of December following in any year the third trustee shall continue in office until and including the thirty-first day of December the year following the election; the second trustee shall continue in office until and including the thirty-first day of December of the second year following the election; and the first trustee shall continue in office until and including the thirty-first day of December of the third year following the election.

(5) Provided always that the trustee going out of <sup>Proviso</sup> office shall remain in office until his successor is elected.

15. Every trustee shall, within 8 days after his election, make the following declaration before the chairman:— <sup>Declaration of Office</sup>

“ I, A. B., do hereby accept the office of trustee, to which I have been elected, in (name of Irrigation District in full) and I will, to the best of my ability, honestly and faithfully discharge the duties devolving on me as such Trustee during the term for which I have been elected.”

16. The chairman shall, within ten days after the date of the election, send to the Lieutenant-Governor-in-Council a certified copy of the minutes of the meeting, and a declaration made before a Justice of the Peace, stating the names and addresses of the trustees elected, and that they have fulfilled the requirements of the next preceding Section. <sup>Return to Lt. Governor</sup>

#### PROCLAMATION.

17. Upon notification by the chairman that the re- <sup>Proclamation of District</sup>

quirements of the next preceding Section have been complied with, the Lieutenant-Governor-in-Council may, if the majority of the votes at the meeting has been in favor of the erection of the Irrigation District, by proclamation erect the district an Irrigation District in accordance with the terms of the petition addressed to him in that behalf.

Contents of  
proclamation

18. The proclamation erecting any irrigation district shall set forth :—

(1) The name in full, situation and limits thereof :

(2) The date and place at which the meeting of ratepayers and the election of trustees was held :

(3) The names of the elected trustees.

#### ANNUAL ELECTION OF TRUSTEES.

Time of annual election

19. The regular annual election of a trustee to fill the vacancy, which occurs yearly under the provisions of Section 14 shall take place on the first Monday in February at the hour of ten in the forenoon ; and in the event of a poll being demanded before twelve o'clock for the election of such trustee, the same shall be opened at that hour, and shall close at five o'clock in the afternoon of the same day, unless a majority of the voters present shall postpone such election for a period not exceeding one week, and in such case the poll shall be opened at ten o'clock in the forenoon, and shall close at five o'clock in the afternoon.

District to be  
body corporate

20. Every district hereby created shall be a body corporate, and shall have all the rights and be subject to all the liabilities of a corporation : and especially, shall have full power to acquire, hold and alienate both real and personal estate for all purposes of the district and by the same name they and their successors shall have perpetual succession, and they shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes and suits at law and in equity



whatsoever, and they shall have a common seal, with power to alter and modify the same at their will and pleasure; and they shall be in law capable of receiving by donation, acquiring, holding, disposing of, and conveying any property, real or moveable, for the use of the said district, and of becoming parties to any agreements in the management of the affairs of the said district, and shall have all the powers necessary for the construction, working and maintenance of works, irrigation works for the uses and purposes of the said district and the inhabitants thereof.

21. At the first meeting of the board of trustees, the trustees shall immediately proceed to elect a chairman who shall preside at all meetings of the council, and at the same or some subsequent meeting shall appoint a clerk and treasurer, both of which offices may be held by the same person.

Appointment  
of Chairman  
Clerk and  
Treasurer

22. The chairman of any meeting of the board may vote with the other members of the board on all questions, and any question, on which there is an equality of votes, shall be deemed to be negatived.

Vote of Chair-  
man

23. In the event of the absence of the chairman from any meeting, the remaining members of the board shall elect another chairman from amongst themselves, who shall have all the powers of the chairman at such meeting.

Absence of  
chairman

24. Meetings of the board of trustees may be called at any time by the chairman or by two trustees by giving seven clear days written notice of the same.

Notice of meet-  
ings

25. Every board may make regulations and by-laws not provided for by this Ordinance and not contrary to law for governing its proceedings, calling meetings, the conduct of its members, appointing committees, and generally such regulations as the good of the district may require, and may repeal, alter and amend its own by-laws, except where by-laws are made for the purpose of raising money, levying assessments or striking rates.

By laws and  
regulations

Remuneration  
of trustees

26. Every board may pass a by-law for paying the members thereof, but such payment shall in no case exceed the sum of one dollar and fifty cents per day and ten cents for every mile necessarily travelled coming to the business of the board.

Security from  
officers

27. The board of trustees in addition to defining the duties of its officers shall exact security from the treasurer and collector, and such officers as they may determine for the faithful performance of their duties, and it shall be the duty of every board at its first meeting, or within a reasonable time thereafter, to examine and renew the securities given by its officers.

Liabilities of  
officers

28. District officers shall be liable for their acts and for damages arising from their refusal or neglect to discharge their duties to the district, in addition to penalties imposed for violation of any of the provisions of this Ordinance.

Authorization  
of Gov, in Cn'l

29. The board shall forthwith after the erection of such district under the provisions hereof proceed to apply for the authorization of the Governor-General-in-Council mentioned in sub-section 4 of Section 13 of the Act.

If authoriza-  
tion withheld

30. If such authorization be not obtained within six months after the date of the proclamation erecting the district, the district shall cease to exist as such.

Application of  
Ordinance

31. The following provisions of this Ordinance shall apply only to such districts as shall have obtained such authorization of the Governor-General-in-Council.

Documents  
open to voters

32. The board shall cause a copy of such authorization to be entered in a minute book and a copy of the memorial and maps and plans referred to in Section 12 and 13 of the Act, and the several sub-sections of said Sections to be filed in the office of the clerk of the board which copies shall be open for inspection by any voter or his agent at all reasonable times.

33. The board shall proceed to appoint a competent

engineer for the district whose duty it shall be to make a careful estimate in detail of the amount required to construct the several portions of the proposed works and of the total amount required to complete the same, also an estimate in detail of the amount required to be expended in each year for the purpose of maintaining and operating said works when constructed, and such estimates shall be filed by him in the office of the clerk and shall be open for inspection by any voter or his agent at all reasonable hours.

Appointment  
and duties of  
Engineer

34. The engineer so appointed shall also proceed to make an assessment roll of the district, in which he shall set down to the best of his knowledge, information, skill and ability, in the first column thereof, the name of each owner, homesteader or occupant, as the case may be, of each parcel of land in the district which is liable to taxation under the provisions thereof and, in the several other columns thereof hereinafter mentioned, opposite to the name of such owner, homesteader or occupant in said first column, the following particulars, that is to say: in the second column a description of the lands so owned and occupied by him, in the third column thereof the number of acres owned or occupied by him which are capable of being irrigated by the proposed works, in the fourth column the value thereof, in the fifth column the number of acres owned or occupied by him which are not capable of being so irrigated, in the sixth column the value thereof, and in the seventh column thereof the total value of the lands so owned or occupied by him.

Assessment  
roll

35. The engineer shall also in such assessment roll give a description of each parcel of unoccupied lands in the district liable to taxation, the owners of which are unknown to him, and shall, opposite to each parcel, enter in the several columns of said roll, the same particulars as are required to be stated by him in the case of occupied lands.

Assessment  
roll owners  
unknown

36. In estimating the value of lands for the purposes of such assessment the engineer shall take into con-

Basis of assess-  
ment

sideration the amount by which the value of those capable of being irrigated by the proposed works and those which are not so capable will respectively be enhanced by the construction and maintainance of the proposed works but shall not take into consideration or estimate as a portion of the value thereof the value of any buildings and improvements on any such lands.

**Exemption  
Crown lands**

37. Unoccupied real estate held by Her Majesty shall be exempt from assessment and taxation under this Ordinance, but, where any real estate is occupied by any person other than an officer or an agent of Her Majesty for her use, the same shall be entered upon the assessment roll and the occupant shall be liable to a personal tax in respect thereof in the same manner and to the same extent as real estate in the district which is not exempt from taxation is liable to taxation.

**Assessment of  
occupant  
exempted  
land**

38. If any real estate in the district which is exempt from taxation under any law of the Parliament of Canada is occupied by any person other than the agent of the owner thereof in his capacity as such, or in case any such real estate is unoccupied and any person is entitled to any interest therein under any agreement for purchase or any lease or license of occupation, such real estate shall be entered upon the assessment roll and such occupant or person entitled to such interest, as the case may be, shall be liable to a personal tax in respect of such real estate in the same manner and to the same extent as real estate in the district not exempt from taxation is liable to taxation.

**Notice of as-  
sessment roll**

39. The engineer shall before delivery of his roll to the clerk of the board deliver to each person residing in the district, whose name appears on the assessment roll, or leave at his residence a notice setting forth the real estate in respect of which he is assessed or entered on said roll and the number of acres therein, and shall mail a similar notice by registered letter to all the persons whose names appear on such roll, who reside without such district and

shall enter on the roll opposite the name of each person therein the date of such delivery or mailing and such entry shall be prima facie evidence of such delivery and of the date thereof. Such notice shall also state the time at which the engineer shall return such roll to the clerk of the board.

40. At or before the time named therefor in such notice, the engineer shall return such roll to the clerk of the board, and thereafter the same shall be open for inspection by any person having any interest in any real estate in the district or his agent. Return of roll

41. The board shall form a court of revision for the trial of complaints as to persons being wrongfully placed on said roll or omitted therefrom, or of being assessed in respect of property of which they are not the owners or occupants or as to the number of acres stated on such roll to be contained in any parcel, or as to the number of acres thereof stated therein as being capable of irrigation by means of the proposed works and, except as otherwise herein provided, the proceedings for the trial of such complaints by the court of revision, and of appeals therefrom shall be the same, as nearly as may be, as is provided by "The Municipal Ordinance" in the case of assessment rolls of municipalities. Court of revision  
Procedure

42. If upon the revision of such roll in the manner herein provided, it is found that the amount required to construct and complete such proposed works according to the estimate of such engineer and the amount required to defray the necessary expenses incurred in procuring the erection of such district, and said authorization of the Governor-General-in-Council, including the costs of surveys and plans therefor do not together exceed an amount equal to six dollars per acre of the lands shown by such assessment roll to be capable of irrigation by means of the proposed works, and that the amount required to be raised annually for the purposes of maintaining such works and of paying the expenses of the administration of the affairs of such district does not exceed an By-law to  
submitted

amount equal to one dollar per acre of the lands shown by such roll to be capable of irrigation by means of such works, the board shall, within three months after the revision of such assessment roll, submit to a vote of the voters of said district a by-law providing for the raising by loan upon the credit of the real estate comprised within such district the amount shown by such estimate to be required for the purpose of defraying the cost of construction of such work and of the amount required to defray the necessary expenses incurred in procuring the erection of such district and of obtaining such authorization and for levying of the necessary rates for the payment of such loan and the interest accruing thereon and for the issue of debentures for the same.

43. Such by-law shall set forth :—

(a) The object of the by-law ;

(b) The date upon which it shall take effect ;

(c) The amount of the proposed loan showing the purposes for which it is proposed to be raised and the several amounts required for each purpose ;

(d) The times and manner for repayment thereof or of the debentures to be issued therefor, the rate of interest thereon and the times for payment thereof ;

(e) The total value of the whole of the rateable real property in the district as shewn by such revised assessment roll ;

(f) The specific sum to be raised in each year during the currency of the by-law for the purpose of paying the several instalments of principal and interest payable thereunder.

Contents of by  
law

Repayment of  
loan

44. Such by-law and the debentures issued thereunder shall provide for the payment of the whole principal in money within twenty years from the time the by-law takes effect, and shall be repayable by



annual instalments extending over the whole of such period or the last ten years thereof.

45. The board may in its discretion in and by such by-law divide such district into polling sub-divisions for the purpose of taking such vote and shall thereby fix the day and hour and polling place or places for taking the same, and shall thereby name a returning-officer and deputy returning officers to take the votes at each polling place and the day so fixed for taking such votes shall not be less than three nor more than five weeks from the first publication of such by-law in the manner hereinafter mentioned, and shall also thereby fix the time and place when and where the returning officer shall sum up the number of votes given for and against the by-law. Procedure for taking vote

46. The board shall cause the said by-law to be published in the same manner as is required by "The Municipal Ordinance" in the case of by-laws requiring the assent of ratepayers and appended to each copy published shall be the notice required by said Ordinance to be appended to copies of said by-laws published thereunder. Publication of by-law

47. At the request of any person, who is entitled to vote on such by-law, the returning officer or deputy returning officer shall administer to any person tendering his vote thereon an oath of qualification in accordance with the terms of Section 5 hereof. Oath of Qualification

48. Except as herein otherwise provided, the proceedings upon the taking of said vote and the summing up thereof, shall be the same as is required by "The Municipal Ordinance," in the case of by-laws for creating debts, and except where inconsistent herewith the provisions of the said Ordinance relating to such last mentioned by-laws shall apply to by-laws under the provisions of this Ordinance. Municipal procedure to be followed

49. If the majority of votes polled upon such by-law is against the passing thereof the board shall forthwith Adverse vote

report the same to the Lieutenant-Governor-in-Council and thereupon such district shall cease to exist as such, but nothing contained herein shall prevent any portion of the lands therein comprised being included in any other district which may thereafter be erected under the provisions hereof.

Proceedings of  
by-law carried

50. In case the by-law is carried by a majority of the duly qualified voters voting thereon, the board shall within six weeks thereafter finally pass the same and shall appoint an engineer and collector for the district, both of which said offices may be held by the same person.

Striking rate

51. The board shall, not later than the first day of May in each year after the by-law takes effect, make an estimate of the amount required to pay the instalments of principal and interest payable under such by-law up to the expiration of such year and the lawful expenses which shall be incurred during such year in carrying out the provisions of this Ordinance, including salaries and expenses of officers and such allowances as the members of the Board may be entitled to under the provisions hereof and the general expenses of administration, and shall forthwith pass a by-law authorizing and directing the levying and collecting of an equal rate of so much in the dollar upon the value of the real estate as shown by the last revised assessment roll for the district, which rate shall be sufficient to raise the amount of such estimate after making all due and reasonable allowances for the cost of collection and abatement and losses which may occur in the collection of taxes, and shall appoint a collector for such district.

By-law for levy  
and collection

Collectors roll

52. Immediately after the passing of such last mentioned by-law in each year, the clerk of the board shall make out a collector's roll in which he shall set down in the first column thereof the full name of every person whose name appears upon the assessment roll and in the second column thereof opposite the name of each person in the first column thereof the amount for which each person is assessed in the assessment roll

for such year and in the third column thereof opposite the name of each person in the first column thereof the amount of the taxes and rates with which he is chargeable under said last mentioned by-law, and shall deliver the roll certified under his name, to the collector appointed by the board on or before the first day of September, or such other day as may be prescribed by by-law or resolution of the board.

53. The clerk of the board shall also in each year make out a roll to be called "The non-resident roll," and shall set forth in the first column thereof a list of all real estate in the district appearing on the last revised assessment roll in respect of which the name of the owner or occupant thereof does not appear in such assessment roll, and in the second column thereof, opposite to the description of each parcel in the first column thereof, the sum for which such lands are chargeable under such last mentioned by-law, and shall deliver the same to the treasurer of the board on or before the first day of October or as may be prescribed by by-law or resolution of the board.

54. All rates, charges and taxes required to be collected under the provisions of this Ordinance shall be collected in the same manner, as nearly as may be, as the rates, charges and taxes of municipalities are authorized to be collected under the provisions of "The Municipal Ordinance" and the goods and chattels of the person assessed or entered on the assessment roll for or in respect of any real estate and any goods and chattels in his possession and any goods and chattels found on such real estate shall be liable to distress and sale for non-payment of such rates, charges and taxes in the same manner and to the same extent as such goods and chattels are liable to such distress and sale under the provisions of said Ordinance.

55. Subject to the provisions of "The Territories Real Property Act" and the amendments thereto, the taxes accruing upon or in respect of any real estate

in the district liable to taxation under the provisions hereof shall be a special lien upon such real estate including the buildings and improvements thereon having preference over any claim, lien, privilege or encumbrance and of any party whomsoever and such real estate shall be liable to be sold for arrears due upon the same or in respect thereof in the same manner and to the same extent as real estate situated in municipalities is liable to be sold under the provisions of said ordinance.

Powers, duties  
and liabilities  
of board and  
officers

56. For the purpose of this Ordinance the board shall have and possess with respect to the district all the powers which are possessed by municipal councils under the provisions of said Ordinance and the clerk, treasurer, collector, returning officer and deputy returning officers appointed by the board shall have and possess all the powers which the same officers of municipalities have and possess under the same provisions of said Ordinance and, for the purpose of this Ordinance, such clerk, treasurer, collector, returning officer and deputy returning officers shall respectively do and perform all the duties which by the provisions of said Ordinance are required to be done and performed by the same officers of municipalities and shall be liable for the same penalties as therein provided and the provisions of said Ordinance shall apply to the district in so far as the same may be necessary for carrying out the provisions hereof except in so far as the said Ordinance is inconsistent herewith.

Powers and  
duties of en-  
gineer

57. The engineer for the district appointed by the board shall, in addition to his powers and duties under the provisions hereof, for the purposes of this Ordinance have and possess and may exercise all the powers which are conferred by the said Ordinance upon assessors of municipalities and shall do and perform all the duties and obligations which such assessors are required to do and perform under said Ordinance.

58. In addition to the powers hereinbefore mentioned the board shall have and possess and may exercise all the powers which may be necessary in order to enable them to properly construct and maintain the said works and may by by-law provide for the construction or maintenance thereof or both in such manner as it may see fit and may also make and enforce such regulations, as it may see fit, respecting the supply of water to any person or persons or company and for the disposal or supply of any surplus water which is not required for the purposes of the district and for the cutting off or stopping the supply of any water from or to any person in arrears in respect thereof and from any persons from whom or in respect of which rates or taxes are due to such district.

Powers as to  
construction  
and maintain-  
ance of work

59. In case of any vacancy in the board by death, resignation or otherwise the remaining members of the board shall appoint some owner or homesteader residing within the district to the vacant position. In case there are no members of the board remaining, the Lieutenant-Governor-in-Council shall appoint three such persons to constitute the board.

Vacancies

60. In case the board shall at any time fail to appoint the necessary officers to carry out the provisions of this Ordinance, or in case any officer appointed by the board shall fail to perform the duties prescribed by this Ordinance the Lieutenant Governor-in-Council shall appoint the necessary officer or officers for the purpose of carrying out the provisions hereof and any such officer so appointed shall have and possess all the powers and shall perform all the duties of his office in the same manner as if he had been appointed by the board.

Failure to fill  
vacancies

61. The board may pass by-laws from time to time authorizing the chairman and treasurer thereof to borrow from any person, bank or corporation such sum or sums of money as may from time to time be required to pay any instalment of principal or interest or both falling due upon any such debentures until such time as the taxes levied or to be levied therefor can be collected.

Trustees may  
borrow money

Revised As-  
sessment roll

62. The assessment roll herein provided for and as revised under the provisions hereof shall be the revised assessment roll of the district until such time as the board shall by by-law from time to time provide for the making of a new assessment roll and any assessment made under any such by-law shall be made and revised under and subject to the provisions of this Ordinance relating to assessments.



## SCHEDULE.

## FORM A.

## NOTICE.

All parties are hereby notified that the undersigned committee have been appointed by the Lieutenant Governor-in-Council for the purpose of taking a vote of the duly qualified voters within the area hereinafter described upon the question of the erection of such area into an Irrigation District under the provisions of "The Irrigation District Ordinance."

The area proposed to be erected into such District is described as follows, that is to say :

*(Here describe the limits of the proposed district )*

We hereby call a meeting of the duly qualified voters within said area for the                      day of                      18                      at the hour of ten o'clock in the forenoon at                      , for the purpose of deciding whether the said described area shall be erected into an Irrigation District under the provisions of the said Ordinance.

The following persons and no others are entitled to vote upon said question at said meeting, that is to say : —

Every person of the full age of twenty-one years, who is the owner or homesteader of land situate in said area having a habitable house thereon or containing not less than one hundred and sixty acres, or who, for at least the three months next preceding the date of said meeting, has been a *bona fide* occupant of any such land under a *bona fide* agreement for the purchase of the same.

Dated this                      day of                      18

A B.  
C D.  
E F.

Committee.

— — —

## NO 7 OF 1894.

AN ORDINANCE TO AMEND ORDINANCE  
NO. 10 OF 1891-92 RESPECTING DEPUTY  
CLERKS AND DEPUTY SHERIFFS.*[Assented to 7th September 1894.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

**Repeal**

1. Section 1 of Ordinance No. 10 of 1891-92 is hereby repealed and the following substituted therefor:—

Certain clerks  
of Court to  
appoint de-  
puties

“ 1. The Clerks of the Supreme Court of the North-West Territories for the Judicial Districts of Northern Alberta, Southern Alberta, Saskatchewan and Western Assiniboia shall respectively appoint a Deputy at Edmonton, Medicine Hat, Battleford and Moose Jaw: and such Deputy Clerk shall have and perform the powers, duties and obligations hereinafter mentioned.”

Boundaries of  
Moose Jaw

2. Section 2 of the said Ordinance is hereby amended by adding thereto the following words: “ The District of the Deputy Clerk at Moose Jaw shall consist of all that portion of the Judicial District of Western Assiniboia West of the line between Ranges 23 and 24 West of the Second Meridian and East of the West line of the Twenty-third Range of Townships West of the Third Meridian.”

**Repeal**

3. Section 8 of the said Ordinance is hereby repealed and the following substituted therefor:—

Certain Sher-  
iffs to appoint  
Deputies.

“ 8. The Sheriffs of the Supreme Court of the North-West Territories for the Judicial Districts of Northern Alberta, Southern Alberta, Saskatchewan and Western Assiniboia, shall respectively appoint a Deputy at Edmonton, Medicine Hat, Battleford and Moose

Jaw ; and such Deputy Sheriffs shall have and perform the power, duties and obligations hereinafter mentioned."

4. Section 9 of the said Ordinance is hereby amended by striking out the word "and" and by inserting the words "and Moose Jaw" between the words "Battleford" and "shall", where they occur therein. S. 9 amended

5. The provisions of this Ordinance shall not apply to any business pending at the time of the passing of this Ordinance, and such business shall be completed in the office of the Sheriff and Clerk, respectively, in which it was begun. Ordinance not to apply to pending business

(a) Provided that if any mesne or final process in the hands of the said Sheriff of Western Assiniboia at the time of the passing of this Ordinance intended to affect real or personal property situate within the District of such Deputy Sheriff at Moose Jaw, or any renewal of any such process, shall be in force and unexecuted on the first day of July 1895, the same shall within ten days thereafter be transmitted by said Sheriff to the Deputy Sheriff at Moose Jaw and, upon receipt thereof by such Deputy Sheriff, he shall have and perform all the powers, duties and obligations of said Sheriff with respect to same, and the provisions of Section 5 hereof shall not apply to any such process after said date. Proviso

6. Section 11 of the said Ordinance is hereby repealed and the following substituted therefor:— Repeal

"11. The Deputy Sheriffs at Edmonton, Medicine Hat and Battleford within one month after the passing hereof, and the Deputy Sheriff at Moose Jaw, before entering upon the duties of his office, shall each give security to the Lieutenant-Governor to the satisfaction of the Lieutenant-Governor-in-Council in the sum of Two thousand dollars for the due performance of the duties and obligations of his said office and for the due payment over to the persons entitled thereto of all moneys received by him by virtue of his said office, Deputy Sheriffs and clerks to give security

and any person sustaining damage by reason of the non-performance or improper or undue performance of any of such duties or obligations by reason of the non-payment over of any such moneys shall have and possess a right of action against such Deputy Sheriff and his sureties upon such security for the amount of such damages : and the Deputy Clerks at Edmonton, Medicine Hat and Battleford within one month after the passing hereof and the Deputy Clerk at Moose Jaw, before entering upon the duties of his office, shall each give security to the Lieutenant-Governor to the satisfaction of the Lieutenant-Governor-in-Council in the sum of one thousand dollars for the due performance of the duties and obligations of his said office and for the due payment over to the persons entitled thereto of all moneys received by him by virtue of his said office, and any person sustaining damage by reason of the non-performance or improper or undue performance of any such duties or obligations by reason of the non-payment over of any such moneys shall have and possess a right of action against such Deputy Clerk and his sureties upon such security for the amount of such damages."

Sheriffs and  
Clerks not re-  
sponsible for  
Deputies.

7. The Sheriffs and Clerks respectively for said Judicial Districts of Northern Alberta, Southern Alberta, and Saskatchewan shall not, after the giving of such security by their said respective Deputies, be answerable or accountable for the acts or non-performance or improper performance, after the giving of such security, of the duties and obligations of their respective offices and said Sheriff and Clerk of Western Assiniboia shall not be at any time answerable or accountable for the acts or non-performance or improper performance by their respective Deputies of such duties.

NO. 8 OF 1894.

AN ORDINANCE RESPECTING THE PAYMENT  
OF CLERKS AND DEPUTY CLERKS OF  
THE SUPREME COURT OF THE TERRI-  
TORIES.

*[Assented to 7th September, 1894.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. For the purposes of this Ordinance,

(a) The word "Clerk" shall mean and include the <sup>Clerk</sup> Clerk of the Supreme Court of the North-West Territories for each of the Judicial Districts of Eastern Assiniboia, Western Assiniboia, Northern Alberta, Southern Alberta and Saskatchewan and the Deputy Clerks for each of the districts of Moose Jaw, Medicine Hat, Edmonton and Battleford.

(b) The word "fees" shall mean and include all fees <sup>Fees</sup> and allowances payable to Clerks under the provisions of the Judicature Ordinance and amendments thereto and all fees payable to such Clerks as Registration Clerks under the provisions of the Ordinance respecting mortgages and sales of personal property, the Ordinance respecting hire receipt notes and orders for chattels, and the Ordinance respecting partnerships and the several amendments to said Ordinances.

(c) All fees upon interlocutory motions, summonses and orders made or granted in Chambers shall be paid to the Clerk of the Judicial District or Division of the Judicial District in which such proceedings are taken.

(d) Every Clerk shall keep a Chamber book in which such proceedings shall be entered.

A record to be  
kept

2. Every Clerk shall keep a separate book in which he shall enter from day to day all fees and emoluments received by him under and by virtue of said Ordinances and amendments shewing therein separately the fees received by him for each service performed under any of the said Ordinances and amendments and such further facts and information as the Lieutenant-Governor-in-Council may from time to time require.

Annual return  
to Lt.-Governor

3. Every Clerk shall, on or before the fifteenth day of January in each year, make up a statement from such book and return the same to the Lieutenant-Governor-in-Council verified under oath. Such statement shall set forth the total amount of fees which have been received by such Clerk during the preceding year.

Record open to  
inspection

4. Each Clerk shall produce such book at any time during his lawful office hours for inspection by any person appointed by the Lieutenant-Governor-in-Council for that purpose.

Clerk: how  
paid

5. Every Clerk shall be entitled to retain to his own use in each year all the fees received by him in that year up to \$1,500.

6. Of the further fees and emoluments received by each Clerk in each year in excess of \$1,500 and not exceeding \$2,000 he shall be entitled to retain to his own use seventy per cent. and no more.

7. Of the further fees and emoluments received by each Clerk in each year in excess of \$2,000 not exceeding \$2,500 he shall be entitled to retain to his own use sixty per cent. and no more.

8. Of the further fees and emoluments received by each Clerk in each year in excess of \$2,500 and not exceeding \$3,000 he shall be entitled to retain to his own use fifty per cent. and no more.

9. Of the further fees and emoluments received by each Clerk in each year in excess of \$3,000 and not exceeding \$3,500 he shall be entitled to retain to his own use forty per cent. and no more.



10. Of the further fees and emoluments received by each Clerk in each year in excess of \$3,500 he shall be entitled to retain to his own use thirty per cent. and no more.

11. On or before the fifteenth day of January in each year, each Clerk shall transmit to the Lieutenant-Governor-in-Council such proportion of the fees received by him during the preceding year as, under this Ordinance, he is not entitled to retain to his own use.

Transmitting  
fees

12. Any Clerk who fails to keep the books required to be kept by him under the provisions hereof, or who fails to enter therein any fee or fees received by him and required by the provisions hereof to be entered therein, shall for every such offence be liable on summary conviction to a penalty of not exceeding \$20.

Penalty for  
failing to keep  
record

13. Any Clerk who shall fail to transmit to the Lieutenant-Governor-in-Council on or before the fifteenth day of January in any year the statement mentioned in Section 3 hereof, verified as therein provided, shall, on summary conviction, be liable to a penalty of \$20 for each day after said date that he shall fail to transmit the same so verified.

Penalty for  
failing to  
make state-  
ment

14. Any Clerk who fails to transmit to the Lieutenant-Governor-in-Council on or before the fifteenth day of January in any year the proportion of fees required to be so transmitted by him under the provisions of Section 9 hereof shall for every such offence be liable, on summary conviction, to a penalty of \$20 for each day after said date that he shall fail to transmit the same.

Penalty for  
omitting to  
transmit fees

15. The fees and moneys received by the Lieutenant-Governor-in-Council under the provisions hereof shall form part of the General Revenue Fund of the Territories.

General  
revenue

When Ordinance shall  
come into force.

16. The foregoing provisions of this Ordinance shall come into force on the first day of January, 1895.

Return by Clerk

17. On or before the fifteenth day of July, 1895, a return similar to that required by Section 3 of this Ordinance shall be made by each Clerk for the half-year ending the first day of July, 1895.

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## NO. 9 OF 1894.

AN ORDINANCE TO FURTHER AMEND "THE  
SCHOOL ORDINANCE."

[Assented to 7th September, 1894.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. Section 3 of the said Ordinance is hereby repealed and the following substituted therefor :—

"3. The expression Town School District shall mean <sup>Town School Districts</sup> all School Districts situated wholly or in part within the limits of a Town Municipality."

(a) Provided that the provisions of this Section, as <sup>Provided</sup> they apply to School Districts not wholly within the limits of a Town Municipality which have elected five Trustees, shall be retroactive.

2. Sub-section 1 of Section 5 of "The School Ordinance" is amended by adding the following words <sup>Sub-sec of 1 S 5 amended</sup> thereto :—

" But no general regulations respecting

(a) The management and discipline of Schools ;

(b) The examination, grading and licensing of Teachers ;

(c) The selection of books ;

(d) The inspection of schools ;

(e) Normal training ;

shall be adopted or amended except at a general meeting of the Council of Public Instruction duly convened for the purpose."

Sec 7 amended 3. Section 7 of the said Ordinance is hereby amended by adding thereto the following sub-section:—

Examination of persons other than teachers (i) To arrange for the examination of persons other than teachers who may desire to enter professions or who may wish certificates of having completed courses of study in Public, Separate or Union Schools.

S. 13 amended 4. The following Provisos are hereby added to Section 13 of the said Ordinance:—

Boundaries of School district Provided that in special cases the Lieutenant-Governor-in-Council may permit the boundaries of any School District to exceed five miles in breadth and length or either.

Proviso Provided further that such permission shall only be given in cases where all the resident ratepayers affected by such permission have agreed in writing to the same.

Repeal 5. Section 45 of the said Ordinance is hereby repealed and the following substituted therefor:—

Taxes to be paid before voting "45. No person shall be entitled to vote at any school meeting, or for the election of a trustee or trustees or to be nominated as trustee who has not paid all taxes in arrear due by him to any school district."

Sub-sec 1 of S. 80 amended 6. Sub-section 1 of Section 80 of the said Ordinance is hereby further amended by adding thereto the following:—

Holidays Provided that the Council of Public Instruction may, on proper representation being made to them, allow the Trustees of such school to give holidays not exceeding two weeks at some other time.

S. 85 amended 7. Section 85 of the said Ordinance is hereby amended by adding thereto the following words:—

Openingschool with prayer "It shall, however, be permissible for the Trustees of

any School District to direct that the School be opened by the recitation of The Lord's Prayer."

8. The following proviso is hereby added to Section 94 of the said Ordinance: Provided further that the amount or amounts shown in the quarterly return, Form I, to be due to any teacher or teachers, shall be paid direct to such teacher or teachers to the extent of the grant. <sup>Payment of grants</sup>

9. Section 103 of the said Ordinance is hereby amended by adding the following sub-section thereto:— <sup>S. 103 amended</sup>

(11) All works constructed, operated and used in connection with irrigation ditches as well as the ditches themselves operated under and subject to the provisions of the "North-West Irrigation Act;" <sup>Irrigation Works</sup>

Provided however, should any such works be not operated during any one year then such works and ditches shall not be exempt from taxation during that year. <sup>Proviso</sup>

10. Form I, in the Schedule to the said Ordinance is hereby repealed, and the Form I in the Schedule annexed hereto is substituted therefor. <sup>Form I changed</sup>

11. Form N, in the Schedule annexed to the said Ordinance, is hereby amended by striking out the word "resident" therein. <sup>Amendment</sup>

12. Any trustee, who has any pecuniary interest, profit or promise, or expected benefit in or from any contract, agreement or engagement, either in his own name or in the name of another, with the corporation of which he is a member, or who receives or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, except as secretary, treasurer, or for a school site, shall thereby vacate his seat, and every such contract, agreement, engagement, or promise shall be null and void; and the remaining trustees, or a majority of them, shall declare the seat vacant, and forthwith hold a new election. <sup>Trustee contracting with district</sup>

## SCHEDULE.

## FORM I.

(vide Section 94)

## DEPARTMENT OF EDUCATION, N. W. T.

## QUARTERLY RETURN.

- I, ..... Treasurer of .....  
 School District, No. .... of the North West Territories, do  
 solemnly declare as follows :
1. That the name (or names) of the teacher (or teachers)  
 the class (or classes) of certificate (or certificates), approved  
 by the Council of Public Instruction, held by him, or them,  
 and the salary (or salaries) paid such teacher (or teachers),  
 and the amounts due such teacher (or teachers) are as  
 follows, in accordance with the contract (or contracts) made  
 in writing between the trustees of said school district and  
 such teacher (or teachers) :—

	Name.	Class of certificate.	Salary per month.	Amount o salary due
Principal.....				
1st Assistant....				
2nd     ,,     .....				
3rd     ,,     .....				
4th     ,,     .....				
5th     ,,     .....				
6th     ,,     .....				
7th     ,,     .....				
8th     ,,     .....				

2. That I have examined the school register (or registers) of  
 this district and find :
  - (a) That the school was opened for the quarter on the  
 day of            and closed on the       day of       ;  
 and was kept open       days during the quarter ended
  - (b) That the number of pupils in attendance during the said  
 quarter (per register) was
  - (c) That the daily average attendance during said quarter  
 was
  - (d) That the number of pupils in attendance in Standard above  
 Standard III, in respect of whom the grant (as provided by  
 sub-sec "c" of Section 92 of the School Ordinance 1892) is  
 claimed, and whose names are on the back hereof, or ap-  
 pended hereto, was as follows :—In Standard IV       ;  
 in Standard V,       ; in Standard VI.       ;  
 in Standard VII,       ; Total



- (e) That the daily average attendance of pupils in Standards above Standard III was as follows :—In Standard IV, ; in Standard V, ; in Standard VI, ; In Standard VII, ; Total .

And I make this solemn declaration conscientiously believing the same to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of "The Canada Evidence Act, 1893."

Treasurer.

P.O. Address.

Declared before me at  
this

day of

189 .

J.P.

NO. 10 OF 1894.

AN ORDINANCE TO AMEND ORDINANCE NO.  
26 OF 1891-92 RESPECTING FENCES.

[Assented to 7th September, 1894]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

- Sub-sec(c) Section 3 of Ordinance 26 of 1891-92 amended
1. Subsection (e) of Section 3 of Ordinance No. 26 of 1891-92 is hereby amended by striking out the words "thirty-five" in the second line thereof and inserting in lieu thereof the word "fifty" and by striking out the words "ten feet" in the last line thereof and inserting in lieu thereof the words "seven feet two inches."
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NO. 11 OF 1894.

AN ORDINANCE TO FURTHER AMEND  
"THE BRAND ORDINANCE."

[Assented to 7th September, 1894.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Section 5 of "The Brand Ordinance" is hereby Sec. 5, Chap. 13  
R.O. repealed repealed.
2. Section 6 of the said Ordinance is hereby Section 6 am-  
ended amended by striking out the words "if the Brand Committee hereinbefore mentioned so recommend" and substituting therefor the words "if in his opinion the application is a proper one."
3. Section 7 of the said Ordinance is hereby Section 7 re-  
pealed and  
Section sub-  
stituted repealed and the following Section substituted therefor:—  

"7. The Recorder shall consider applications for recorded brands according to priority of application to the Recorder, and shall designate the particular brand to be used by any applicant, and define the place and position it shall occupy on the animal, consulting always the choice or convenience of applicants, so far as may be, without interfering with previously recorded brands."

NO. 12 OF 1894.

AN ORDINANCE FOR THE ABATEMENT OF  
NUISANCES.*[Assented to 7th September, 1894.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. For the purposes of this Ordinance the word,

Nuisance

(a) "Nuisance" shall mean any act, matter or thing that may be injurious to the public health or comfort, that may be dangerous to human beings or domestic animals, or that may be likely to assist in starting or spreading fire;

Village

(b) "Village" shall mean any portion of land not included within the limits of any municipality or unincorporated town not being more than half a mile square in area, upon which there are not less than five occupied dwellings or places of business; or

(c) Any greater area, upon which there are a greater number of occupied dwellings or places of business: provided that each such dwelling or place of business is not more than three hundred yards distant from the nearest other occupied dwelling or place of business;

Limits of  
village

(d) The limits of every village shall be held to be a line drawn round the collection of houses hereinbefore described at a distance of three hundred yards outside the outmost of such occupied dwellings or places of business:

Person

(e) The word "person" shall mean any person, partnership, company, or corporation, or any agent or representative of any person, partnership, company, or corporation.

2. No person shall permit any nuisance upon the premises owned or occupied by him or under his control within any village. Nuisance prohibited.

3. No person shall cause, make, or place any nuisance within the limits of any village. The same

4. A person who is the owner or who has charge of any swine shall not permit the same to run at large in any village. Swine

5. In any village no person shall keep on his premises a greater quantity of coal oil or kerosene than three barrels thereof or five cans of five gallons each thereof, except as hereinafter provided. Beyond these quantities, all coal oil or kerosene shall be kept underground, at least twenty feet distant from any building, in an excavation which shall be covered with earth to a depth of at least six inches, or iron, or some other metal. The entrance door, if any, and all woodwork connected therewith shall be covered with sheet iron, zinc, or tin. Coal oil or kerosene

6. In any village no person shall keep on his premises a larger quantity of gunpowder in wooden kegs than twenty-five pounds, or in tins than an aggregate quantity of thirty pounds. Quantities of gunpowder greater than aforesaid shall be stored in a substantial building, which, if composed entirely or in part of wood, shall be covered with iron or other metal, or in an excavation which shall be covered with earth or otherwise protected with some unflammable substance. Gunpowder

7. In any village no person shall have or erect on his premises a dwelling, stable or other outhouse built in whole or in part of manure, hay or straw, or place on the roof of any building any manure, hay or straw, unless the said dwelling, stable, out-house or building is distant not less than one hundred feet from any other building in which a fire is ever made, provided always that this shall not apply to thatched roofs or to the banking up of any building with manure be- Use of manure in erection of certain buildings prohibited

tween the months of October and May in any year.

**Erection of stacks** (a) No person shall have or erect on his premises in any village any stack of hay, grain or straw, unless the said stack is distant not less than two hundred feet from any building in which a fire is ever made.

**Carcasses** 8. In every part of the Territories, where the carcase or a part of the carcase of any domestic animal has become a nuisance, the owner of such animal or the person in charge of it, while it was alive, shall cause the same to be buried at least three feet below the surface of the ground or to be totally destroyed by fire. Provided that in any stock district before any prosecution is brought under this Section, the prosecutor shall have given reasonable notice to the defendant to bury the dead animal.

**Penalty** 9. Any person who contravenes any of the provisions of this Ordinance shall be liable, on summary conviction before a Justice of the Peace, to a fine not exceeding twenty dollars, together with the costs of the prosecution, and in default of payment to be imprisoned for any time not exceeding two months.

**Title** 10. This Ordinance may be known as the "Abatement of Nuisance Ordinance."

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## NO. 13 OF 1894.

## AN ORDINANCE TO AMEND ORDINANCE NO. 8 OF 1892 INTITULED, AN ORDINANCE RESPECTING THE MANITOBA AND NORTH-WESTERN RAILWAY COMPANY.

*[Assented to 7th of September, 1894]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Subsection (2) of Section 1 of “An Ordinance re-<sup>Repeal</sup> specting the Manitoba and North-Western Railway Company” is hereby repealed.

2. The following Sub-sections are hereby added to the said Section 1 of said Ordinance:—

(2) Provided also that, within five years from the <sup>Proviso added</sup> 1st day of January, 1895, the Company shall have built one hundred and fifty miles of additional railway within the Territories.

(3) Provided further that, until the completion of <sup>Further</sup> the said one hundred and fifty miles of additional <sup>Proviso</sup> railway within the Territories, the exemptions allowed by this Ordinance shall only be allowed in any year, if the said Company shall have furnished satisfactory proof to the Lieutenant-Governor-in-Council that they have built twenty miles of additional railway within the Territories before the 31st day of December preceding the said year.

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NO. 14 OF 1894.

AN ORDINANCE TO FURTHER AMEND ORDINANCE NO. 18 OF 1891-92 ENTITLED "THE LIQUOR LICENSE ORDINANCE, 1891-92."

[Assented to 7th September, 1894.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

Ordinance  
amended

1. Section 64 of Ordinance No. 18 of 1891-92 is hereby amended by adding the following Sub-section:

(2) Any and every person found in a bar-room or a room where liquors are usually sold upon licensed premises, at any time between the hours of seven of the clock on Saturday night and seven of the clock on the Monday morning thereafter, or between the hours of half-past eleven of the clock at night and six of the clock the following morning on the other nights of the week, shall be liable on conviction thereof to a fine of ten dollars and costs of prosecution, and in default of immediate payment thereof to imprisonment for ten days.

Proviso

Provided that nothing in this Section shall prevent an hotelkeeper, his wife or regular employee, to enter such bar-room or room for the sole purpose of procuring liquor ordered by guests to be used with their meals on Sunday as allowed by the provisions of Section 64.

2. Section 67 of the said Ordinance is hereby amended by inserting therein between the words "any" and "wearing" the words "horse, cow or live stock."

(a) Provided always that none of the provisions of this Section shall apply to transactions between par-

ties holding respectively whole sale and retail licenses under the provisions of this Ordinance.

3. Section 79 of the said Ordinance is hereby amended by inserting before the word "society" where it first occurs therein the word "incorporated."

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## NO. 15 OF 1894.

AN ORDINANCE TO AMEND ORDINANCE NO.  
12 OF 1893 INTITULED "THE STATUTE  
LABOR AND FIRE ORDINANCE."

[Assented to 7th September, 1894.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

- Ordinance amended 1. Section 13 of "An Ordinance to amend and consolidate as amended the Statute Labor and Fire Ordinances," is hereby amended by adding thereto the following subsection:
- Place of work (1) Provided that no assessed person shall be obliged to go to work at a place further than three miles in a direct line from his residence, unless he has given his consent thereto in writing.
- Amendment 2. Section 24 of said Ordinance is hereby amended by striking out the first three lines and substituting therefor:
- Account by Overseer— "24. The Overseer shall, on or before the first day of November in each year, make up an account in writing containing the information required by the subsections to this Section. He shall allow any residents who wish to inspect the said account to do so, and to make a copy or extracts thereof on any day, except Sundays and statutory holidays, from the said 1st day of November till the 14th day of the same month, between the hours of ten o'clock in the morning and four o'clock in the afternoon. He shall then send the said account, not later than the first mail day after the 14th day of November, to the Lieutenant-Governor-in-Council."
- Inspection by residents
- Transmission to Lieut.-Governor-in-Council
- Overseers to be Fire Guardians 3. All Overseers shall be *ex officio* fire guardians under the provisions of "The Prairie Fire Ordinance, 1893," and amendments thereto.

NO. 16 OF 1894.

AN ORDINANCE TO REGULATE TRAFFIC  
UPON PUBLIC BRIDGES WITHIN THE  
TERRITORIES.

[Assented to 7th September, 1894.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. No person or persons shall ride or drive any horse, mule, or horned cattle upon or across any public bridge within the control of the Government of the Territories, at a pace faster than a walk; and any person or persons contravening the provisions of this Section shall be liable, upon conviction before a Justice of the Peace, to a penalty not exceeding twenty-five dollars and the costs of prosecution. Fast driving prohibited

2. Any person or persons, who by wilfully or maliciously obstructing any public bridge in such manner as to thereby prevent or cause hindrance or delay to any person desiring to travel across said bridge, shall be liable, upon conviction before a Justice of the Peace, to a penalty not exceeding \$25.00 and the costs of prosecution. Obstruction of bridge

3. Provided that nothing contained in Section 1 of this Ordinance shall apply to bridges of less than twenty feet in length. Provido

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NO. 17 OF 1894.

AN ORDINANCE TO AMEND THE LAW  
RELATING TO SLANDER.

[Assented to 7th September, 1894.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

- Words imput-  
ing unchastity  
adultery, or  
profligacy to  
female action-  
able per se
1. In any action of slander founded on words spoken of the Plaintiff imputing unchastity, adultery, or profligacy to a female whether married or unmarried, it shall not be necessary to allege or prove any special damage but such words shall be actionable *per se*.
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## NO. 18 OF 1894.

AN ORDINANCE TO AMEND ORDINANCE  
NO. 36 OF 1892, INTITLED "AN ORDINANCE TO PREVENT THE SPREAD OF  
NOXIOUS WEEDS."*[Assented to 7th September, 1894.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. Sub-section (b) of Section 4 of said Ordinance is hereby repealed. <sup>Repeal</sup>

2. Section 9 of said Ordinance is hereby amended by striking out all that portion thereof after the figure "4" in the fourth line thereof, and by substituting the following "shall for each day he suffers or permits any of said noxious weeds to remain growing on said lands after the expiration of the time limited by said notice be liable on summary conviction to a fine of not more than twenty dollars."

<sup>Permitting weeds afterno-  
tice—Penalty</sup>

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NO. 19 OF 1894.

## AN ORDINANCE RESPECTING STRAY ANIMALS.

*(Assented to 7th September, 1894.)*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

Finder to notify owner if known

1. Any person who has on his premises, or in his band, herd or flock any animal, the owner of which is known to him, shall, unless he may have sufficient reason to believe that the owner has full knowledge of the location of the animal, at once notify the owner through the mail.

Procedure if owner unknown

2. Any person who has on his premises, or in his band, herd or flock any animal, the owner of which is unknown, shall, before the expiration of fifteen days, forward to the Lieutenant-Governor-in-Council a notice to the effect that such animal is on his premises or in his band, herd or flock, which notice shall contain the name and location of the finder, a full description of the animal, with all the marks natural or artificial, color and probable age. Such notice shall be published by the Lieutenant-Governor-in-Council, and a copy of the same shall be forwarded to every post office and every post of the North-West Mounted Police in the Territories, and a copy of the same shall be forwarded with every copy of the Official Gazette of the North-West Territories.

Advertisement

(a) The finder of any animal may cause a copy of the notice provided for in this Section to be inserted in the nearest newspaper,

Recovery by owner

3. The owner of any animal shall be entitled to recover the same from any person in whose possession the same may be, upon tender of the fees and expenses incurred up to the time of such tender, and furnishing satisfactory proof of ownership

(a) Such expenses shall not exceed the actual cost of keeping such animal and the amount expended in advertising the same.

4. In case the owner of such animal and the person <sup>Arbitration</sup> in whose possession the same may be are unable to agree as to the amount of such expenses, they shall forthwith proceed to arbitration in the same manner as in the case of a submission to arbitration under the provisions of the Arbitration Ordinance.

5. After the expiration of one year, if the animal <sup>Sale of animal</sup> be a horse or a mule or any of the neat cattle, and after the expiration of six months in the case of sheep, goats or swine, the finder thereof shall cause to be inserted in the Official Gazette of the North-West Territories a notice of the intention to sell the said animal after the expiration of thirty days from the publication of the notice, which notice shall contain a full description of the animal as stated in Section 2 hereof.

(a) Provided that when necessary under the provisions of subsection (a) of Section 8 the requisite extension of time shall be made.

6. All pound-keepers appointed under the provisions of "The Herd Ordinance" or under Chapter 13 of the Revised Ordinances, entitled "An Ordinance respecting trespassing and straying of animals" or by any municipality shall be deemed salesman under the provisions of this Ordinance. <sup>Poundkeeper to be salesman</sup>

7. The Lieutenant-Governor-in-Council may from <sup>Appointment of salesman</sup> time to time appoint such other salesman under the provisions hereof as may be deemed necessary.

8. After the expiration of thirty days from the <sup>Notice of sale</sup> publication of the notice mentioned in Section 5 hereof, the finder may give written notice of his intention to cause such animal to be sold by public auction by the salesman residing nearest to the place where such animal has been usually kept by the finder. Such

notice shall state the time and place at which such sale is to take place, (such place being the residence of such salesman) and shall be signed by such salesman. Copies of such notices shall be posted up in at least four of the most conspicuous places in the neighborhood, one of such places being the post office nearest to the place where such animal has been usually kept by the finder thereof, and another being at the residence of such salesman.

**Proviso** (a) Provided that no such sale shall take place between the first day of December in any year and the first day of April in the following year.

**The sale** 9. At the time mentioned in such notice of sale, the finder of such animal or his agent shall attend with such animal at the residence of the salesman by whom such notice is signed, and such salesman shall thereupon proceed to sell such animal by public auction to the highest bidder, and shall, from and out of the proceeds of such sale, after deducting his fees for selling same, pay to the finder his lawful charges and expenses for the keeping and advertising of such animal, and shall forward the remainder of such proceeds to the Lieutenant-Governor.

**Surplus** 10. The Lieutenant-Governor shall pay such surplus money, if claimed within one year after the sale, to the owner of such animal, but if not claimed within that time such surplus money shall be applied to the General Revenue Fund of the Territories.

**Penalty** 11. Any person who does not comply with the provisions of this Ordinance shall be liable, on summary conviction, to a fine not exceeding twenty-five dollars.

**Exception** 12. The provisions of this Ordinance shall not apply to Stock District Number 1 set apart by proclamation as a Stock District under Chapter 19 of the Revised Ordinances.

**Fees to finder** 13. The following, and no other, shall be the fees and expenses authorized by this Ordinance:—

For every horse, mule, jack, sheep, or head of neat cattle, other than stallions or bulls, during the months of May, June, July, August, September and October, not exceeding 25 cents per month, and during the remainder of the year, not exceeding 15 cents per day; for every head of swine not exceeding 10 cents per day for their support, and for every head of sheep not exceeding 10 cents per week;

For notifying owner of animal, if known, 10 cents:

For forwarding notice to Official Gazette, 10 cents:

For cost of advertisement in a newspaper, one dollar:

For posting four notices of sale, one dollar.

(a) Provided that no costs for keep shall be allowed <sup>Proviso</sup> against any animal prior to the date of the first advertisement in the Official Gazette, and the charges for keeping and herding shall not exceed the actual expenses incurred by the finder in respect thereof.

14. Salesmen shall be entitled to two-and-one-half <sup>Fees to sales-</sup> per cent. upon the amount realized upon the sale of <sup>man</sup> any animal for his services in selling same and applying the proceeds of sale in accordance with the provisions of this Ordinance.

15. Ordinance No. 21 of 1893 is hereby repealed. <sup>Repeal</sup>

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NO. 20 OF 1894.

AN ORDINANCE TO PREVENT TRESPASS IN  
PURSUIT OF GAME.

[Assented to 7th September, 1894.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

Game in en-  
closures

1. No person shall fire at, hunt, take or kill any of the animals or birds mentioned in "The Game Ordinance," which are upon or over any lands enclosed by a fence of any description, or upon or over any lands in a state of cultivation, who has not obtained the consent of the occupier thereof.

Penalty

2. Any person contravening the provisions of this Ordinance shall, upon summary conviction be, liable to be fined in a sum not exceeding twenty-five dollars.

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## NO. 21 OF 1894.

AN ORDINANCE TO AMEND ORDINANCE NO.  
8. OF 1889, ENTITLED "AN ORDINANCE  
CONCERNING RECEIPT NOTES, HIRE  
RECEIPTS AND ORDERS FOR CHATTELS."

[Assented to 7th September, 1894.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Ordinance No. 8 of 1889 entitled "An Ordinance concerning receipt notes, hire receipts and orders for chattels," is hereby amended by adding after the word "order," where it occurs the first time in Section 1 of said Ordinance, the following words: "containing such a description of the chattels, the subject of the receipt note, hire receipt or order, that the same may be readily and easily known and distinguished." Description to be contained in documents

2. Section 2 of said Ordinance is hereby repealed and the following substituted therefor:— Repeal

"2. Theregistration of such receipt note, hire receipt or order, as required by the preceding Section, shall have the effect of giving to such receipt note, hire receipt or order the same precedence and priority as is given to Chattel Mortgages and Bills of Sale according to the date of registration under Ordinance No. 18 of 1889 entitled "An Ordinance to amend and consolidate as amended Chapter 47 of the Revised Ordinances of the North-West Territories intituled 'An Ordinance respecting Mortgages and Sales of Personal Property.'" Priorities regulated

3. The Registration Clerk of any Registration District shall make a return on the first day of July in each year, verified on oath before a Judge, a Justice of the Peace, a Notary Public or a Commissioner for taking Affidavits, to the Lieutenant-Governor-in-Council, showing the amount of fees received by him in the twelve months next preceding. Return by registration clerk

NO. 22 OF 1894.

AN ORDINANCE TO PROVIDE FOR AIDING  
THE CONSTRUCTION OF THE WOLSELEY  
AND FORT QU'APPELLE RAILWAY.*(Assented to 7th September, 1894.)*

Whereas it has been represented that the owners <sup>Preamble</sup> and occupants of the real estate in certain portions of the Territories in the vicinity of the proposed line of The Wolseley and Fort Qu'Appelle Railway Company are desirous of aiding the construction of the said line of railway by granting bonuses to said company : and it appears expedient that the necessary powers should be given for that purpose ;

Therefore the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. In this Ordinance, unless the context otherwise <sup>Interpretation</sup> requires—

(1) The word "Company" means "The Wolseley and <sup>Company</sup> Fort Qu'Appelle Railway Company :"

(2) The word "railway" means the line of railway <sup>Railway</sup> which the said company is by law authorized to construct and operate ;

(3) The word "Board" means the board of commis- <sup>Board</sup> sioners appointed under the provisions hereof :

(4) The word "district" means any district erected <sup>District</sup> under the provisions hereof ;

(5) The word "homesteader" means any person who <sup>Homesteads</sup> has entered for lands as a homestead under the provisions of "The Dominion Lands Act," and whose entry therefor has not been cancelled.

2. The majority of the resident owners and home-  
steads of land within any tract of land containing  
not less than 100,000 acres comprised within the  
following area that is to say:—Commencing at  
the top of the south bank of the valley of  
the Qu'Appelle River, on the line between  
Ranges seven and eight West of the Second  
Meridian, thence northerly along the said line to the  
North boundary of Township twenty, thence West  
along the North boundary of said Township to the  
line between Ranges ten and eleven West of the Sec-  
ond Meridian, thence North along said last mentioned  
line to the Indian Reserve known as Peekiskis, thence  
westerly along the South boundary of said reserve to  
the South-West angle thereof, thence Northerly along  
the Westerly boundary thereof to the North boundary  
of Township twenty-two, thence Westerly along said  
last mentioned boundary to the line between Ranges  
twelve and thirteen West of said Meridian, thence  
south along said last mentioned boundary to the top  
of said South bank of said valley, thence South-East-  
erly along the top of said bank to the place of begin-  
ning, may petition the Lieutenant-Governor-in-Coun-  
cil to erect such tract into a District for the purpose  
of granting a bonus to the Company in the construc-  
tion of the Railway.

### 3. Such petition shall set forth—

Contents of  
petition

(a) A particular description of such tract clearly  
showing the lands comprised therein and stating the  
number of acres comprised therein ;

(b) The names of three of the petitioners who are  
to compose the Board of Commissioners for such Dis-  
trict ;

(c) The amount of the proposed bonus to the rail-  
way, which amount shall not exceed an amount equal  
to 35 cents per acre of the lands comprised within such  
District ;

(d) The time or times of payment of the loan re-

quired to be raised for the repayment of such bonus, such repayment to be subject to the provisions hereinafter contained;

(c) The rate of interest on such loan (which rate shall not exceed six per cent. per annum), and the times of payment thereof;

(f) The terms and conditions (if any) upon which such bonus is to be granted to the Company;

(g) The proposed name of the district.

**Proclamation  
of District**

4. The Lieutenant-Governor-in-Council, upon receipt of such petition and upon being satisfied by such evidence as may be required that the same is signed by a majority of the resident owners and homesteaders of land within such tract and that the sum of \$100 has been subscribed for the purpose of paying the expenses of submitting to a vote the by-law hereinafter mentioned, may by proclamation erect such tract into a District under the provisions hereof by the name of "The Railway Aid District of (giving the name set forth in said petition) and appointing the three persons named in such petition for that purpose as the Board of Commissioners for such district.

**Board of Com-  
missioners**

5. Upon the issue of such proclamation the three persons named in such proclamation shall form the Board of Commissioners for such district and it shall be the duty of the person first named therein within one month after the issue of such proclamation to call a meeting of the Board at some convenient place within the district by giving to each member of the board at least ten days' notice in writing of the time and place of such meeting.

**Appointment  
of Officers**

6. At the meeting so called the board shall proceed to elect a chairman, and shall, at the same or some subsequent meeting, to be held within one month thereafter, appoint a clerk and a treasurer, but said offices may be held by the same person, who may be one of themselves. The board shall also procure and adopt a seal of office.

7. At its first meeting or at some meeting thereof held within two months after the issue of such proclamation, the board shall proceed to submit to a vote of the owners and homesteaders of land within the said district a by-law providing for the raising by way of loan upon the security of the real estate in such district liable to taxation under the provisions hereof, of the sum mentioned in such petition for the purpose of granting a bonus to the company in aid of the construction of the railway, and for levying upon such property the necessary rates for the payment of such loan and the interest accruing thereon, and for the issue of debentures for such payment and for the delivery thereof to the company.

Vote of residents on by-law

8. Such by-law shall be in accordance in all respects with such petition, and shall set forth—

Contents of by-law

(a) The object of the by-law ;

(b) The date upon which it shall take effect;

(c) The amount of the proposed loan and the times and manner for repayment thereof or of the debentures to be issued therefor, the rate of interest thereon and the times for payment thereof;

(d) The specific sum to be raised in each year during the currency of the by-law for the purpose of paying the several instalments of principal and interest payable thereunder ;

(e) The terms and conditions (if any contained in such petition) upon which such bonus is to be granted to the company.

9. Such by-law and the debentures issued thereunder shall provide for the payment of the whole principal money within twenty years from the time the by-law takes effect, and shall be repayable by annual instalments extending over the whole of such period, or the last ten years thereof.

Payment of Debentures

Polling sub-  
divisions, etc

10. The Lieutenant-Governor-in-Council may in their discretion in and by such by-law divide such district into polling subdivisions for the purpose of taking such vote and shall thereby fix the day and hour and polling place or places for taking the same and shall thereby name a returning officer and deputy returning officers to take the votes at each polling place and the day so fixed for taking such votes shall not be less than three nor more than five weeks from the first publication of such by-law in the manner hereinafter mentioned, and shall also thereby fix the time and place when and where the returning officer shall sum up the number of votes given for and against the by-law.

Publication of  
by-law

11. The board shall cause the said by-law to be published in the same manner as is required by "The Municipal Ordinance" in the case of by-laws requiring the assent of ratepayers and appended to each copy published shall be the notice required by said Ordinance to be appended to copies of said by-laws published thereunder.

Qualification  
of voters

12. The following and no others shall be entitled to vote on said by-law, that is to say:—Every person of the full age of twenty-one years who, at the time of taking such vote, is the owner or homesteader of land situate within such district having a habitable dwelling house thereon or containing not less than 160 acres or who, for at least the three months next preceding the taking of such vote, has been the *bona fide* occupant of any such land under a *bona fide* agreement for the purchase thereof, and who has not before voted on such by-law.

Oath

13. At the request of any person who is entitled to vote on such by-law the returning officer or deputy turning officer shall administer to any person tendering his vote thereon an oath of qualification in accordance with the terms of the next preceding Section hereof.

Procedure

14. Except as herein otherwise provided the pro-



ceedings upon the taking of said vote and the summing up thereof shall be the same as is required by "The Municipal Ordinance" in the case of by-laws for creating debts.

15. If the majority of votes polled upon such by-law is against the passing thereof the board shall forthwith report the same to the Lieutenant-Governor-in-Council and thereupon such district shall cease to exist as such, but nothing herein contained shall prevent any portion of the lands therein comprised being included in any other district which may thereafter be erected under the provisions hereof. Result

16. In case the by-law is carried by a majority of at least two-thirds of the duly qualified voters voting thereon, the board shall within six weeks thereafter finally pass the same, and shall appoint an assessor and collector for the district both of which said offices may be held by the same person, and shall fix the date at which the assessor shall return his roll. Final passing  
of by-law

17. Immediately after such by-law shall come into effect the board shall issue debentures of the district in the Form given in the Schedule hereto to the amount and payable in the manner provided by the by-law. Such debentures shall be in sums of not less than \$100 each and shall be sealed with the seal of the board and signed by the chairman and treasurer thereof and shall have attached to them coupons for the payment of interest at the rate and in the manner prescribed by such by-law. Such debentures when issued shall be dealt with by the board in the manner directed by such by-law and subject to the provisions thereof, but shall not be handed over to the company until the completion of the railway, and before delivering such debentures to the company, the board shall detach therefrom and destroy all coupons for interest which shall become due and payable by such completion. Issues of de-  
bentures

18. All real estate within such district, which is not exempt under the provisions hereof, shall be liable Lands to be  
assessed

to assessment and taxation for the purpose of this Ordinance.

Crown lands

19. Unoccupied real estate held by Her Majesty shall be exempt from assessment and taxation under this Ordinance, but where any real estate is occupied by any person other than an officer or agent of Her Majesty for Her use, the same shall be entered upon the assessment roll and such occupant shall be liable to a personal tax in respect thereof in the same manner and to the same extent as real estate in the district which is not exempt from taxation is liable to taxation.

Lands Exempted by Dominion Statute

20. If any real estate in the district which is exempt from taxation under any law of the Parliament of Canada is occupied by any person other than the agent of the owner thereof, in his capacity as such, or in case any such real estate is unoccupied, and any person is entitled to any interest therein under any agreement for purchase, or any lease or license of occupation, such real estate shall be entered upon the assessment roll and such occupant or person entitled to such interest, as the case may be, shall be liable to a personal tax in respect of such real estate in the same manner and to the same extent as real estate in the district not exempt from taxation is liable to taxation.

Assessment roll

21. It shall be the duty of the assessor forthwith after his appointment to prepare an assessment roll for such district in which he shall set down in the first column thereof as accurately as may be in separate parcels all real estate in the district not exempt from taxation, and also such of the real estate exempt from taxation in respect of which the occupant thereof, or the person entitled to an interest therein, is liable to a personal tax under Sections 19 and 20 of this Ordinance and in the second column thereof, opposite each parcel in the first column, the number of acres therein in such parcel and in the third column thereof, opposite each parcel in the first column thereof, the name of the owner thereof, if such real estate is liable

to taxation hereinunder, or of the occupant thereof, if such real estate is exempt from taxation, if such name is known or can be ascertained by the assessor.

22. The assessor shall, before delivery of his roll to the clerk of the board, deliver to each person residing in the district whose name appears on the assessment roll, or leave at his residence, a notice setting forth the real estate in respect of which he is assessed or entered on said roll and the number of acres therein, and shall mail a similar notice by registered letter to all such persons whose names appear on such roll who reside without such district, and shall enter on the roll opposite the name of each person therein the date of such delivery or mailing and such entry shall be *prima facie* evidence of such delivery and of the date thereof.

Assessment  
Notice

23. Such notice shall also state the time fixed for the return of the assessment roll to the clerk of the board.

Time for  
return

24. The board shall form a court of revision for the trial of complaints as to persons being wrongfully placed on the said roll or omitted therefrom or of being assessed in respect of property of which they are not the owners or occupants or as to the number of acres stated on such roll to be contained in any parcel and, except as otherwise herein provided, the proceedings for the trial of such complaints by the court of revision and of appeals therefrom shall be the same as nearly as may be as is provided by "The Municipal Ordinance" in the case of assessment rolls of municipalities.

Court of  
Revision

25. The board shall not later than four months before the expiration of each year from the time the by-law takes effect make an estimate of the amount required to pay the instalments of principal and interest payable under said by-law up to the expiration of such year and the lawful expenses incurred in carrying out the provisions of this Ordinance, including salaries and expenses of officers and such allowances as the members of the board may be entitled under the provisions hereof and shall forthwith pass a by-law authorizing an and directing the levying and collecting of

Estimate to be  
made

an equal rate of so much per acre upon or in respect of the real estate comprised in the last revised assessment roll for the district which rate shall be sufficient to raise the amount of such estimate after making all due and reasonable allowances for the cost of collection and abatement and losses which may occur in the collection of taxes.

Collectors' roll

26. Immediately after the passing of such last mentioned by-law in each year, the clerk of the board shall make out a collector's roll in which he shall set down in the first column thereof the full name of every person whose name appears upon the assessment roll, and in the second column thereof, opposite the name of each person in the first column thereof, the number of acres for which each person is assessed in the assessment roll for such year, or the number of acres appearing opposite the name of such person in such assessment roll, and in the third column thereof, opposite the name of each person in the first column thereof, the sum for which he is chargeable under said last mentioned by-law, and shall deliver the roll certified under his name to the collector appointed by the board on or before the first day of September, or such other day as may be prescribed by by-law or resolution of the board.

Non-resident  
roll

27. The clerk of the board shall also in each year make out a roll to be called "The Non-resident Roll," and shall set forth in the first column thereof a list of all real estate in the district appearing on the last revised assessment roll in respect of which the name of the owner or occupant thereof does not appear in such assessment roll, and in the second column thereof opposite to the description of each parcel in the first column thereof the sum for which such lands are chargeable under such last mentioned by-law, and shall deliver the same to the treasurer of the board on or before the first day of October, or as may be prescribed by by-law or resolution of the board.

Collection of  
rates

28. All rates, charges and taxes required to be collected under the provisions of this Ordinance shall be

collected in the same manner as nearly as may be as the rates, charges and taxes of municipalities are authorized to be collected under the provisions of "The Municipal Ordinance" and the goods and chattels of the person assessed or entered on the assessment roll for or in respect of any real estate and any goods and chattels in his possession and any goods and chattels found on such real estate shall be liable to distress and sale for non-payment of such rates, charges and taxes in the same manner and to the same extent as such goods and chattels are liable to such distress and sale under the provisions of said Ordinance.

29. Subject to the provisions of "The Territories <sup>Taxes to be special lien</sup> Real Property Act" and the amendments thereto the taxes accruing upon or in respect of any real estate in the district liable to taxation under the provisions hereof shall be a special lien upon such real estate including the buildings and improvements thereon having preference over any claim, lien, privilege or encumbrance of any party whomsoever and such real estate shall be liable to be sold for arrears due upon the same or in respect thereof in the same manner and to the same extent as real estate situated in municipalities is liable to be sold under the provisions of said Ordinance.

Provided that if any such real estate is <sup>Proviso</sup> situated within a municipality the taxes and rates payable to such municipality shall form a prior charge upon such real estate.

30. For the purpose of this Ordinance the board <sup>General powers and duties</sup> shall have and possess with respect to the district all the powers which are possessed by municipal councils under the provisions of said Ordinance and the clerk, treasurer, assessor, collector, returning officer, and deputy returning officers appointed by the board shall have and possess all the powers which the same officers of Municipalities have and possess under the provisions of said Ordinance, and for the purpose of this Ordinance such clerk, treasurer, assessor,



collector, returning officer and deputy returning officers shall respectively do and perform all the duties, which by the provisions of said Ordinance are required to be done and performed by the same officers of municipalities and shall be liable for the same penalties as are therein provided, and the provisions of said Ordinance shall apply to the district in so far as the same may be necessary for the carrying out the provisions hereof, except in so far as the said Ordinance is inconsistent herewith.

Vacancy

31. If any member of the board shall cease to reside in the district or shall cease to own real estate therein or shall become permanently incapable of performing his duties as such, his seat shall thereby become vacant.

Filling vacancies

32. In case of any vacancy in the board by death, resignation or otherwise the remaining members of the board shall appoint some owner or homesteader residing in the district to the vacant position. In case there are no members of the board remaining the Lieutenant-Governor-in-Council shall appoint five such persons to constitute the board.

Tenure of Office of board

33. Subject to the two next preceding Sections hereof the members of the Board named in the proclamation erecting the district shall constitute the board during the whole period covered by the by-law creating the debt. In case the board shall at any time refuse or omit to perform the duties devolving upon them under the provisions hereof, or in case a majority of the owners and homesteaders of real estate within the district shall at any time petition for their removal the Lieutenant-Governor-in-Council may remove the members thereof and appoint others in their stead.

Removal of members

Failure to appoint officers

34. In case the board shall at any time fail to appoint the necessary officers to carry out the provisions of this Ordinance, or in case any officer appointed by the board shall fail to perform the duties prescribed by this Ordinance, the Lieutenant-Governor-in-Council



shall appoint the necessary officer or officers for the purpose of carrying out the provisions hereof, and any such officer so appointed shall have and possess all the powers and shall perform all the duties of his office in the same manner as if he had been appointed by the board.

35. The board may pass by-laws from time to time authorizing the chairman and treasurer thereof to borrow from any person, bank or corporation such sum or sums of money as may from time to time be required to pay any instalment of principal or interest or both falling due upon any such debentures until such time as the taxes levied or to be levied therefor can be collected. Borrowing  
money

36. The assessment roll herein provided for, and as revised under the provisions hereof shall be the revised assessment roll of the district until such time as the board shall by by-law from time to time provide for the making of a new assessment roll and appoint an assessor for that purpose and any assessment made under any such by-law shall be made and revised under and subject to the provisions of this Ordinance relating to assessments. Revised assess-  
ment roll

37. The board may by by-law provide for the payment of an allowance to the members thereof at a rate not exceeding two dollars each for each necessary meeting attended by them. Allowance to  
members

38. One or more districts may be created under the provisions hereof within the area hereinbefore mentioned. Creation of one  
or more dis-  
tricts

39. This Ordinance may be cited and known as title "The Wolseley and Fort Qu'Appelle Railway Aid Ordinance."

SCHEDULE.

THE RAILWAY AID DISTRICT OF

DEBENTURE NO.

\$

Issued under the provisions of "The Wolseley and Fort Qu Appelle Railway Aid Ordinance," and under, and by virtue of a by-law of said District passed on the                      day of                      189 .

The Railway Aid District of                      promises to pay the bearer hereof the sum of                      dollars of law- ful money of Canada, at the                      in the on the                      day of                      and also promises to pay to the bearer hereof the                      yearly coupons hereto attached for interest after the rate of                      per cent. per annum upon this debenture at the same place and as and when the same shall severally become due and payable which said coupons are signed by the Chairman of the Board of Commissioners for said District, and the Treasurer thereof, and numbered with the num- ber of this debenture.

In Witness whereof, and under, and by virtue of said Ordin- ance and of said by-law, the Board of Commissioners for said Dis- trict have hereunto attached their seal of office and the signature of the Chairman and Treasurer thereof, this                      day of A. D. 189 .

(SEAL )

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Treasurer.

Chairman.

## NO. 23 OF 1894.

AN ORDINANCE TO FURTHER AMEND "THE  
HERD ORDINANCE."*[Assented to 7th September, 1894.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Ordinance No. 24 of 1891-2 intituled "An Ordinance to amend and consolidate as amended the Ordinances respecting the herding of animals," is amended by striking out all the words after "Governor" in the sixteenth line of the second Section of the said Ordinance. S 42 amended

2. Section 7 of the said Ordinance is amended by inserting the following words after the word "hay," where it occurs in the sixth line, "or upon any sloughs growing hay." S 7 amended

3. Section 20 of the said Ordinance is hereby amended by striking out the words "twenty-five" where they first occur and inserting the word "fifteen" in lieu thereof. S 20 amended

NO. 24 OF 1894.

AN ORDINANCE RESPECTING THE CLOSING  
OF SHOPS.

[Assented to 7th September, 1894.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Unless the context otherwise requires the expression,

Interpretation (a) "Shop" means any building or portion of a building, booth, stall, or place of business where goods are exposed or offered for sale, but not when the only trade or business carried on is that of pharmaceutical chemist or chemist and druggist, news-agent, fruit dealer, hotel, boarding or refreshment house, nor any premises wherein, under license, spirituous or fermented liquors are sold;

(b) "Closed" means not open for the serving of any customer;

(c) "Municipality" means the city or town, the council whereof passes any by-law under the provisions of this Ordinance.

By-law determining hours of closing 2. Any council may by by-law require that all or any classes of shops within the municipality shall be closed and remain closed on each or any day of the week at and continuously after the time and hour fixed by by-law: but any such time or hour fixed by by-law under the provisions of this Section shall not be earlier than seven of the clock in the afternoon of any day.

Council to pass by-law on application of occupiers of shops 3. If any application be received by the municipal council praying for the passing of a by-law requiring

the closing of shops within the municipality and the council be satisfied that such application is signed by not less than three-fourths in number of the occupiers of shops within the municipality, the council shall, within one month after the receipt of such application, pass a by-law giving effect to the application.

4. The persons qualified to sign the application mentioned in the preceding Section shall be the occupiers of such shops only as and within the meaning of sub-section (a) of the second Section of this Ordinance. Persons qualified to petition

5. If the application heretofore mentioned be delivered to the clerk of the council it shall be deemed to have been presented and received by the council. Presenting of application

6. Every by-law passed under the provisions of this Ordinance shall take effect not less than one week nor more than two weeks after the passing thereof.

7. A municipal council may at any time after the passing of a by-law under the provisions of this Ordinance, repeal the same : but such repeal shall not take effect unless a petition signed by at least one-half of the occupiers of shops shall have been previously received by the council asking for such repeal. By-law may be repealed

8. Nothing in any such by-law contained shall render the occupier of any premises liable to any punishment for supplying any article required for immediate use by reason, or because of any emergency arising from sickness, ailment or death ; but nothing herein-contained shall be deemed to authorise any person whomsoever to keep open shop after the hour appointed by such by-law for the closing of shops. Articles in certain cases may be supplied

9. Where an offence, for which the occupier of a shop is liable under any such by-law to any fine or punishment, has been committed by any agent or servant, then such servant or agent shall be liable to the same fine or punishment as if he were the occupier. Agent or servant liable

Occupier to be  
exempt on  
conviction of  
actual offend-  
er

10. When the occupier of a shop is charged with an offence against any such by-law, he shall be entitled, upon such information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, proves to the satisfaction of the court that the offence was committed without his knowledge or consent and that he had shown due diligence in enforcing the provisions of the by-law, then such occupier shall be exempt from any fine or punishment but the said other person shall thereupon be summarily convicted of such offence and shall be liable to the same fine or punishment therefor, as if he were the occupier.

By-laws to be  
deemed to  
have been  
passed under  
Municipal Or-  
dinance

11. The Sections of this Ordinance and "The Municipal Ordinance" shall be read and construed together as if forming one Ordinance.

Saving clause

12. Nothing in this Ordinance or in any by-law passed under its authority shall be deemed to render unlawful the continuance in a shop after the hour appointed for the closing thereof, of any customers who were in the shop, immediately before that hour, or the serving of such customers during their continuance therein.



NO. 25 OF 1894.

## AN ORDINANCE RESPECTING THE EXECUTIVE COMMITTEE OF THE TERRITORIES.

*[Assented to 7th September, 1894.)*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. Any vacancy or vacancies occasioned by death, resignation or otherwise that may at any time occur in the Executive Committee of the Territories during the recess and between the Sessions of the Assembly shall be filled from among the elected members of the Assembly by the Lieutenant-Governor on the advice of the remaining member or members of the Committee.

Vacancies;  
how filled

Provided that any action taken under the provisions of this Ordinance shall be subject to confirmation by the Legislative Assembly at its first Session held next after such action has been taken.

Proviso

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NO. 26 OF 1894.

AN ORDINANCE TO FURTHER AMEND  
CHAPTER 45 OF THE REVISED ORDINANCES, 1888, RESPECTING EXEMPTIONS  
FROM SEIZURE AND SALE UNDER  
EXECUTION.

[Assented to 7th September, 1894.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

~~§ 2~~ Subsection (2) of Section 1 of the said Ordinance is hereby repealed and the following inserted in lieu thereof:—

“(2) The furniture, household furnishings, dairy utensils, swine and poultry belonging to the defendant and his family to the extent of five hundred dollars.”

~~§ 4~~ Subsection (4) of Section 1 of the said Ordinance is hereby repealed and the following inserted in lieu thereof:—

“(4) Three oxen, horses, or mules, or any three of them, six cows, six sheep, three pigs, and fifty domestic fowls, besides the animals the defendant may have chosen to keep for food purposes, and food for the same for the months of November, December, January, February, March, and April, or for such of these months or portions thereof as may follow the date of seizure, provided such seizure be made between the first day of August and the thirtieth day of April next ensuing.”

NO. 27 OF 1894.

AN ORDINANCE TO FURTHER AMEND ORDINANCE NO. 20 OF 1892, INTITULED "THE AGRICULTURAL SOCIETIES ORDINANCE."

(Assented to 7th September, 1894.)

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. The Secretary Treasurer of each Agricultural Society shall on or before the 20th day of October in each year transmit to the Lieutenant-Governor-in-Council a Statement made out in form B and verified by statutory declaration, showing in detail the cash receipts of the Society from all sources other than Government or Municipal grants.

Society to transmit statement of receipts

2. The Lieutenant-Governor-in-Council shall forthwith apportion among the Societies, whose statements have been transmitted as provided in the last preceding Section, the grant made by the Legislative Assembly for Agricultural Societies in amounts equal to the fees paid by the members, as shown in the financial statement.

Apportionment of grant made by Legislative Assembly

Provided that the amount paid to any one Society shall not exceed one hundred and fifty dollars.

Proviso

(1) In case the grant made by the Legislative Assembly shall not be sufficient to cover the total amount of such apportionment, the apportionment shall be made pro rata on the same basis.

(2) No Society shall participate in the apportionment which has not at least fifty bona fide members, nor shall any Society be included in the apportionment unless it has held or contributed to an Exhibition during the year for which grants are made.

S 5 amended

3. The following sub-section is hereby added to Section 5 of the said Ordinance :—

(d) By holding meetings for the discussion of and hearing lectures on subjects connected with the theory and practice of improved husbandry or other industrial purposes.

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NO. 28 OF 1894.

AN ORDINANCE TO REPEAL ORDINANCE  
NO. 8 OF 1890 RESPECTING THE ESTAB-  
LISHMENT OF FARMERS' INSTITUTES.*[Assented to 7th September, 1894.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Ordinance No. 8 of 1890 is hereby repealed. Repeal
  2. The Officers of any Institute now in existence shall, within three months of the passing of this Ordinance, call a meeting and at such meeting decide what disposal shall be made of the funds and property thereof. Meeting of  
officer
-

NO. 29 OF 1894.

AN ORDINANCE TO AMEND CHAPTER 57 OF  
THE REVISED ORDINANCES, 1888, RES-  
PECTING THE OFFICE OF SHERIFF.

[Assented to 7th September, 1894.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

Repeal

1. Section 2 of Chapter 57 of The Revised Ordinances, 1898, is hereby repealed and the following substituted therefor:—

Sheriff to keep  
record of all  
fees

“ 2. Every Sheriff shall keep a separate book in which he shall enter from day to day all fees and emoluments received by him in virtue of his office, shewing separately the sums received and shall make up to and including the thirtieth day of June and up to and including the thirty-first day of December in each year, returns, under oath, of such fees and emoluments so received to the Lieutenant-Governor, half-yearly on the 15th day of July and the 15th day of January respectively in a form to be prescribed by the Lieutenant-Governor-in-Council.”

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NO. 30 OF 1894.

AN ORDINANCE TO LEGALIZE ELECTION OF  
CALGARY CITY COUNCIL FOR 1894 AND  
DEBENTURES OF \$40,000 ISSUED BY SAID  
COUNCIL.

*[Assented to 7th September, 1894.]*

Whereas an Election was held of a Council for the <sup>Preamble</sup> City of Calgary in January, 1894, under the provisions of Ordinance No. 33 of 1893:

And whereas the said Council has passed two by-laws numbered respectively 226 and 228, which said by-laws provide for the issuing of debentures to the amount of \$40,000 for the purpose of granting aid to an Hospital and consolidating the debt of the City;

And whereas said by-laws have been duly ratified by vote of ratepayers;

And whereas doubts have arisen as to the legality of said election and of the acts of said Council;

And whereas the said Council has required an Ordinance to be passed legalizing said election and the acts of said Council and the issue of said debentures and it is expedient to grant said request;

Therefore the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. It is hereby declared that the election of a Council for the City of Calgary during the month of January, 1894, was and the same is hereby made legal and all acts done or performed by the said Council, which would be within the powers of a Council legally elected, are declared to be legal and binding upon the said City and all parties concerned. <sup>Election legal-  
ised.</sup>

Debentures  
made valid

2. By-laws numbered 226 and 228 as passed by the said Council are hereby ratified and declared to be legal and all debentures together with the coupons attached thereto issued or to be issued thereunder and dated August 1st, 1894, not in all exceeding the sum of \$40,000 principal together with interest in addition thereto as set forth in said context are declared to be good and valid securities.

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## NO. 31 OF 1894.

AN ORDINANCE TO AMEND ORDINANCE  
NO. 9 OF 1893 INTITULED "AN ORDIN-  
ANCE TO ENFORCE THE DESTRUCTION  
OF NOXIOUS WEEDS."*[Assented to 7th September, 1894.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Section 2 of said Ordinance is hereby repealed <sup>Repeal</sup> and the following substituted therefor:—

"2. When a Justice of the Peace is satisfied that the <sup>Owner to des-</sup> owner or occupant of lands neglects or refuses to cut <sup>troys weeds</sup> down and destroy the noxious weeds growing on such lands, the Justice of the Peace shall give notice in writing to such owner or occupant requiring him to cut down and destroy the same within five days from the receipt of said notice. Such owner or occupant shall for each day he suffers or permits any of the said noxious weeds to remain growing on such lands after the expiration of the time limited by said notice be liable, on summary conviction, to a fine of not more than twenty dollars."

3. Sub-section (a) of Section 3 of said Ordinance is hereby amended by striking out all the words thereof after the word "aforesaid" in the third line thereof and substituting the following: "he shall for each day he suffers or permits any of the said noxious weeds to remain growing on such land after the expiration of the time limited by such notice be liable, on summary conviction, to a fine of not more than twenty dollars."

<sup>Amendment of</sup>  
Section 3, sub-  
section (a)

4. Sub-section (b) of said Section 3 of said Ordin-

Section 3. sub-  
section (c)  
amended

ance is hereby amended by striking out the words "out of the district vote," where they appear at the end thereof, and substituting therefor the words "by the Government of the Territories upon the certificate of the member of the Legislative Assembly for the electoral district, in which such lands are situated, out of moneys which may be voted by the Legislative Assembly for expenditure in such electoral district."

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NO. 32 OF 1894.

AN ORDINANCE TO AMEND "THE PRAIRIE  
FIRE ORDINANCE, 1893."

(Assented to 7th September, 1894.)

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Section 1 of "The Prairie Fire Ordinance, 1893," is hereby amended by adding the following subsection:—

(a) Any person, who kindles or is a party to kindling a fire in the open air for camp or domestic purposes and who leaves the same without having extinguished it, shall be liable to a fine not exceeding fifty dollars. Camp fire

2. Section 2 of the said Ordinance is hereby repealed and the following substituted therefor:—

"2. No person shall kindle a fire for the purposes of guarding any property or for clearing land unless he has present during the whole time of the burning six persons with proper appliances for putting out fire, or unless the fire is kindled within a continuous guard which shall consist of ten feet of ploughing or at least twenty feet of water or a burnt strip of land of at least twenty feet in width. The guard may consist of all or any of the above mentioned breaks." Burning under certain restrictions

(a) Any person neglecting to comply with the provisions of this Section shall be liable to a fine not exceeding fifty dollars. Penalty

3. Section 5 of the said Ordinance is hereby amended by inserting after the word "fire" where

it occurs in the fifth line of the said Section the words  
"or within fifteen miles of a bush fire."

**Proviso** (a) Provided always that the following persons  
shall be exempt from the provisions of this Section:—

Postmasters, Railway Station Agents, and members  
of the Medical Profession.

**Prosecutions** 4. Prosecutions under this Ordinance may be in a  
summary manner.

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## NO. 33 OF 1894.

AN ORDINANCE TO FURTHER AMEND  
CHAPTER 14 OF THE REVISED ORDINANCES, 1888, ENTITLED "AN ORDINANCE RESPECTING BULLS."

[Assented to 7th September, 1894.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. The provisions contained in Section 5 and in the first four lines and eight words of Section 2 of the said Ordinance shall not apply to that part of the North-West Territories, described as follows:—

Provisions not  
to apply to  
certain localities

Townships 46, 47, 48 and 49 in ranges 23, 24, 25, 26, and 27, west of 2nd principal meridian and townships 46, 47, 48, and 49 in range 1 west of 3rd principal meridian, and Stock District No. 4.

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## NO. 34 OF 1894.

## AN ORDINANCE TO FURTHER AMEND ORDINANCE NO. 5 OF 1888, INTITULED "AN ORDINANCE RESPECTING THE PROFESSION OF MEDICINE AND SURGERY."

[Assented to 7th September, 1894.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

§ 8 c s 2 of Ordinance No. 9 of 1891-92 repealed and substituted therefor

1. Sub-section (c) of Section 2 of Ordinance No. 9 of 1891-92 is hereby repealed and the following substituted therefor :—

"(c) The Council shall admit upon the register any person who shall produce from any recognized college or school of medicine and surgery a certificate or certificates that he has taken a four years course of study or a diploma of qualification from such recognized college or school. Provided also that the applicant shall furnish to the Council satisfactory evidence of identification and pass before the members thereof, or such examiners as may be appointed for the purpose, a satisfactory examination touching his fitness and capacity to practice as a physician and surgeon, and provided that every applicant for such examination shall pay to the Registrar of the College of Physicians and Surgeons of the North-West Territories the sum of fifty dollars towards defraying the expenses of the examining board."

2. Section 54 of the said Ordinance is hereby repealed and the following substituted therefor :—

"54. All fines and penalties imposed under any of the provisions of this Ordinance, and all moneys to be received or levied thereunder, shall, after the receipt thereof by the person authorized to receive the same, be forthwith paid by such person to the treasurer for the uses of the College."

Fines to be paid to Treasurer

NO. 35 OF 1894.

## AN ORDINANCE TO AMEND "THE UNINCORPORATED TOWNS ORDINANCE."

*[Assented to 7th September, 1894.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. The following subsection is hereby added to Section 7 of the said Ordinance:—

(1) The overseer shall be a voter of such unincor- Overseer  
porated town.

2. For the purpose of collecting the taxes assessed Collection of  
by him under the provisions of said Ordinance the Taxes.  
over-eeer shall have and possess and shall exercise all the powers and authority which are conferred upon collectors of municipalities under the provisions of Sections 41 and 42 of Part 4 of "The Municipal Ordinance."

3. If, at a meeting called for the purpose of elect- Impounding  
ing an overseer, a motion is duly carried deciding animals  
that animals shall not be allowed to run at large in such unincorporated town, it shall thereafter (and until such motion is rescinded at some subsequent meeting called for the same purpose) be unlawful for any horses, cattle, sheep, or pigs to run at large in such unincorporated town, and it shall be the duty of the overseer or any person duly appointed by him to keep and maintain a pound and to cause any such animal found running at large in such unincorporated town to be seized and impounded in such pound, and the overseer, or such person appointed by him shall be the keeper of such pound and shall have and possess all the powers and authority conferred upon pound keepers of herd districts, under the provisions of Sections 14 and 15 of "The Herd Ordi-

nance," being Ordinance No. 24 of 1891-92, and shall be entitled to the sale fees and allowances as are allowed to pound keepers under Section 20 of the last mentioned Ordinance and amendments thereto.

S 28 amended 4. Section 28 of said Ordinance is hereby amended by inserting after the word "town," where it occurs therein, the words "not otherwise assessed."

S 29 amended 5. Section 29 of said Ordinance is hereby amended by adding thereto the following proviso:—

Provided that no person shall be assessed at a less tax than one dollar.

S 8 (1) S 13 amended 6. Subsection (1) of Section 13 of said Ordinance is hereby amended by striking out the word "five" and substituting therefor the word "ten."

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## NO. 36 OF 1894.

AN ORDINANCE TO FURTHER AMEND  
ORDINANCE NO. 18 OF 1889, RELATING  
TO MORTGAGES AND SALES OF PER-  
SONAL PROPERTY.*[Assented to 7th September, 1894.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Section 3 of Ordinance No. 18 of 1889 is hereby amended by striking out the word "fifteen," where it occurs therein, and substituting therefor the word "thirty" and by striking out the word "execution," where it last occurs therein, and substituting therefor the word "filing;" S 3 amended

2. Section 4 of said Ordinance is hereby amended by striking out the word "fifteen" therein and substituting therefor the word "thirty;" S 4 amended

By striking out the words "one year," where they occur therein, and substituting therefor the words "two years" and by striking out the word "execution," where it last occurs therein, and substituting therefor the word "filing."

3. Section 11 is hereby amended by striking out the words "one year" therein and substituting therefor the words "two years." Section 11 amended, mortgage ceases to be valid after expiration of two years

4. An authority for the purpose of taking or renewing a mortgage or conveyance may be a general one to take and renew all or any mortgages or conveyances to the mortgagee or bargainee. Authority to take or renew mortgages or conveyances

NO. 37 OF 1894.

AN ORDINANCE TO FURTHER AMEND  
CHAPTER 29 OF THE REVISED ORDIN-  
ANCES, 1888, ENTITLED "AN ORDINANCE  
RESPECTING MARRIAGES."

*[Assented to 7th September, 1894.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. Section 2 of Chapter 29 of the Revised Ordinances is hereby further amended by inserting after the word "denominations," where it occurs in the ninth line thereof, the words "and commissioners and staff-officers of the Salvation Army."

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NO. 38 OF 1894.

AN ORDINANCE TO INCORPORATE THE  
PARISHES OF THE DIOCESE OF SAS-  
KATCHEWAN.*[Assented to 7th September, 1894.]*

Whereas the executive committee of the Synod of <sup>Preamble</sup> the Diocese of Saskatchewan, in the North-West Territories, being a Diocese of the Ecclesiastical Province of Rupert's Land of the Church of England in Canada has petitioned that each of the duly organised parishes and missions in the said diocese be incorporated; and it is expedient to grant the prayer of its petition;

Therefore the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. The incumbent or curate in charge and church-wardens of any congregation in the Diocese, duly organised according to the constitution of the Synod of the Diocese of Saskatchewan, shall be a body politic and corporate and they and their successors, under the name of "The Church of England Parish (or Mission) of (name of Parish or Mission)" shall have perpetual succession and a common seal, and by such name may, from time to time and at all times hereafter, purchase, acquire by gift, devise or bequest, if made at least six months before the death of the person making the same, hold, possess and enjoy and may have, take, and receive, for them and their successors for ecclesiastical, educational, or eleemosynary uses, any lands, tenements, hereditary property, rents, annuities and all other property whatever, moveable or immoveable, and the same may sell, exchange, alienate, mortgage, let, lease, and dispose of, and others in their stead purchase, acquire, and hold for the uses and purposes aforesaid; provided that in the adminis- <sup>Incorporation</sup> <sup>Powers</sup>

tration of the said property, as regards selling, exchanging, alienating, mortgaging or leasing real estate, or making investments in stock, funds, debentures or other property, they shall first obtain the consent of the Synod of the Diocese of Saskatchewan, either directly or through its executive committee.

Settlement of  
questions ar-  
ising

2. All questions relating to the constitution, powers, meetings and proceedings of vestries, the qualifications, term of office, powers and accounts of church wardens, and such other matters relating to the regulation and management of all or any of the Temporalities of the Church of England in the Diocese of Saskatchewan shall be settled from time to time by the Synod of the Diocese of Saskatchewan, and the said Synod, by by-law or canon, may, from time to time, as it may see fit, repeal, change, alter and amend any of its previous provisions.

Execution of  
Documents

3. Any transfer, mortgage, or lease of real estate, or any interest therein, or any transfer of stock, funds, debentures, or other personal property of any Church of England parish or mission incorporated under Section 1 of this Ordinance shall be deemed to be duly executed for that purpose if the same has affixed thereto the common seal of the said parish or mission, verified by the signature of the incumbent or curate in charge of such parish or mission, and the consent of the Synod or of its executive committee to such dealing by such parish or mission shall be signified by the signatures of the president and secretary of the executive committee.

Public  
Ordinance

4. This Ordinance shall be deemed a Public Ordinance.

NO. 39 OF 1894.

AN ORDINANCE TO INCORPORATE THE GALT  
HOSPITAL.*[Assented to 7th of September, 1894]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Elliott T. Galt, of the Town of Lethbridge, Man-<sup>Incorporation</sup>  
ager, William M. Ramsey, of the City of Montreal,  
John Galt, of the City of Winnipeg, Merchant, and  
Alexander T. Galt of the City of Montreal, Gentle-  
man, and such other persons as may, from time to  
time, become members of the Corporation to be here-  
by incorporated, shall be and are hereby constituted  
a body politic and corporate under the name of  
“The Galt Hospital.”

2. The said Corporation by name of “The Galt Hos-<sup>Powers</sup>  
pital” shall have perpetual succession and a common  
seal, and by such name may, from time to time and at  
all times, purchase, acquire, receive, accept, build, hold,  
possess and enjoy for them and their successors any  
lands, tenements, hereditaments and real and personal  
property and estate within the Territories, together  
with such grants, devises, gifts and bequests as may  
be made by the Dominion of Canada, the Territories,  
or any other Corporation, person or persons whatso-  
ever for the sole use and benefit of said Hospital;  
provided always that the annual value of such real <sup>Real Estate</sup>  
estate so held as afore-said does not at any one time  
exceed the sum of ten thousand dollars.

3. The affairs of the said Corporation shall be man-<sup>Board of</sup>  
aged by a board of management, consisting of seven <sup>Management</sup>  
members which shall be composed of the said Elliott  
T. Galt, William M. Ramsey, John Galt and Alexan-  
der T. Galt and their successors elected as hereinafter

provided, who are herein called the original incorporators and three others to be appointed as hereinafter provided, who are herein called the appointed managers.

**Term of Office** 4. The original incorporators shall hold office during their lives or until they shall resign their office, and in the event of one of the original incorporators becoming deceased or resigning, the original incorporators then remaining shall forthwith elect some other person, whether a member of the Corporation or not, to take the place of the one so becoming deceased or resigning, but the appointed managers shall not vote or take part in such election.

**Time of Appointment** 5. The appointed managers shall be appointed annually on the first day of July in every year as follows: that is to say, by the Alberta Railway and Coal Company, and in the event of the said Alberta Railway and Coal Company ceasing to exist, then the right of appointment shall go to any Corporation that shall acquire and actually carry on the coal mining business at Lethbridge at present carried on by said company so long as such corporation carries on the said coal mining business, and in the event of the said coal mining business ceasing to be carried on, then it shall be lawful for the original incorporators to act as the sole managers until such time as some other method of appointment shall be provided by law.

**Appointment of original incorporator** 6. In the event of the Alberta Railway and Coal Company, or any other corporation at the time having the right of appointment, desiring to appoint a person already holding office as an original incorporator, as one of their appointees, it shall be lawful for them so to do, and any original incorporator so appointed shall at all meetings of the Board of Management and general meetings of the Corporation be entitled to two votes.

**First Managers** 7. The first appointed managers shall be Elliott T. Galt, William D. Barclay and Robert Simpson, who shall continue to hold office and act as such managers

until their successors are appointed as hereinbefore provided.

8. In the event of any appointed manager resigning his office or refusing to act, the Alberta Railway and Coal Company, or any other Corporation then holding the right of appointment, may appoint some other person in his place to act as a manager for the unexpired portion of his term of office. Vacancy or refusal to act

9. Each member of the Board of Management, unless acting in a dual capacity as provided in Section 6 hereof, shall be entitled to one vote, and such votes may be given by proxy at all meetings of the Board of Management as well as at general meetings of the Corporation. Vote

10. At all meetings of the Board of Management and general meetings of the Corporation, three shall form a quorum, but if there be two members actually present, one of whom holds a proxy for at least one absentee, they shall be considered a quorum. Quorum

11. The Board of Management shall, at their first meeting after the general annual meeting, appoint one of their number as chairman, and shall appoint a secretary and treasurer, or a secretary-treasurer, who shall not necessarily be members or a member of the Board or Corporation, who shall be responsible to the Board of Management for the correctness of all accounts, and the safe keeping of all documents, monies and securities committed to their respective keepings, and who shall have access at all times to all books connected with the institution, and the Board shall by by-law fix the salary or salaries and define the duties of such officials or official. Chairman  
Secy-treasurer  
Salaries

12. The Board of Managers shall meet from time to time for the transaction of affairs of the Corporation, and in the absence of the chairman any manager present may be appointed to act for the time being as such chairman. Meetings

**Powers**

13. The Board of Management shall have power to make by-laws, rules, and regulations, not being contrary to law or to the provisions of this Ordinance, with power to amend or repeal, from time to time, the same, for all purposes relating to and bearing upon the well-being and interests of the Corporation.

**Increase of membership**

14. In the event of it being at any time considered advisable to increase the membership of the Corporation, by the admission of life or annual members, or both, all such persons, who shall have paid such sum for life or annual membership, as may be fixed by the by-laws of the Board of Management, and whose names shall appear in a book kept for that purpose, shall be members of the Corporation and shall have the right to take part in the annual meeting thereof; but the sum fixed by by-law entitling any person to life membership shall not be less than fifty dollars.

**Annual Meeting**

15. There shall be a general annual meeting of the members of the Corporation in the first week in July in each year on a day and at an hour and place to be named by the managers and notice thereof shall be given by the secretary in writing to each member at least fourteen days previous to the date of such meeting, until some other method of giving notice of such meetings is provided by the by-laws of the Corporation.

**Postponement**

16. If such General Annual Meeting shall from any cause not be held at the time hereinbefore appointed for the same, then it shall be lawful for the managers to fix another date for the holding of the General Annual Meeting, which date shall be within two months after the time when the same should have been held; such meeting shall be called as above provided and at such meeting all business may be transacted and all things done in the same manner as the same would have been transacted and done if such meeting had been held at the time aforesaid.

**Auditor**

17. The Board of Management shall, at their first meeting after the General Annual Meeting, appoint an auditor for the ensuing year, and it shall be the



duty of such auditor to examine and report upon all accounts affecting the Corporation or relating to any matter under its control or within its jurisdiction for the year in which he is auditor: and shall prepare an abstract of the receipts, expenditures, and liabilities of the Corporation and submit the same to the Board of Management at or before the said Annual Meeting.

18. It shall be the duty of the said Corporation, on or before the first day of October in each year, to transmit to the Lieutenant-Governor, for the information of the Legislative Assembly of the North-West Territories, a return of the affairs of the Corporation showing in detail the assets, liabilities, and the number of sick persons received and attended to during the preceding year in the said Hospital and specifying the nature of their diseases. Return to Lt.—  
Governor

19. The Managers of such Corporation shall, if they have been requested so to do by the Lieutenant-Governor-in-Council, and provided they are in receipt of public funds for the Territories, keep in such Hospital at such time and for such period, as may be determined by the Lieutenant-Governor-in-Council, an adequate supply of vaccine matter for the following purposes, viz.:— Vaccine

(a) For the vaccination, by a qualified person attached to such Hospital at the expense of the same, of all poor persons and, at their own expense, of all other persons who may attend at such Hospital for that purpose during one day in every week: the fee to be charged for such vaccination in no case to exceed seventy-five cents, and to be used and applied for the benefit of the Hospital.

20. The said Corporation shall always in its management be non-denominational. Non-denomi-  
natio: a

21. This Ordinance may be cited as "The Galt Title Hospital Ordinance."

## NO. 40 OF 1894.

AN ORDINANCE TO LEGALIZE BY-LAW NO.  
156 OF THE MUNICIPALITY OF THE  
TOWN OF REGINA.

[Assented to 7th September, 1894.]

## Preamble

Whereas the Mayor and Council of the Municipality of the Town of Regina have by their petition represented that a by-law to raise by way of loan the sum of \$20,000, for the purposes therein named, was on the 15th day of March, 1894, submitted to a vote of the ratepayers of the said Municipality, and that the required majority of the electors entitled to vote thereon cast their votes in favor of the said by-law, and that the said by-law was passed by the Municipal Council of said Municipality on the 19th day of March, 1894, and numbered 156;

That the Council of said Municipality have issued the debentures authorized to be issued under said by-law, and a large portion of the money to be raised by the sale of said debentures is now due and owing by said Municipality :

That doubts have arisen as to the validity of said by law and owing to the existence of such doubts the purchaser of said debentures refuses to complete his contract for the purchase of said debentures ;

Wherefore the said Mayor and Council pray that an Ordinance may be passed legalizing and confirming said by-law and the debentures issued thereunder.

And whereas it is expedient to grant the prayer of said petition :

Therefore the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. The said by-law of the Municipality of the Town of Regina, entitled "By-law No. 156, a by-law of the Town of Regina to raise by way of loan the sum of \$20,000," and all debentures now issued, or that may hereafter be issued, under and in pursuance of said by-law, are and the same are hereby declared to be legal, valid and binding upon the said Municipality of the Town of Regina, any Law, Statute or Ordinance to the contrary notwithstanding, and notwithstanding any omission or defect in point of form or otherwise howsoever in the said by-law or in the passing or promulgation thereof, or in the said debentures or any of them.

2. Notwithstanding anything in said by-law contained, the Council of said Municipality of the Town of Regina shall raise, levy, and collect in each year hereafter during the continuance of said by-law upon the rateable property in the said Municipality a sum sufficient to pay the interest upon said loan and to provide the sinking fund as therein mentioned.

By-law  
legalised

Certain mon-  
eys to be  
raised not-  
withstanding  
by-law

## NO. 41 OF 1894.

AN ORDINANCE TO LEGALISE BY-LAW NO.  
116 OF THE MUNICIPALITY OF THE  
TOWN OF MOOSE JAW.

[Assented to 7th September, 1894.]

## Preamble

Whereas the Mayor and Council of the Municipality of the Town of Moose Jaw have by their petition represented that a by-law to raise by way of loan the sum of \$5,000, for the purposes therein named, was on the 3rd day of July, 1893, submitted to a vote of the ratepayers of the said Municipality, and that the required majority of the electors entitled to vote thereon cast their votes in favor of the said by-law, and that the said by-law was passed by the Municipal Council of the said Municipality on the 17th day of July, 1893, and numbered 116 :

That the Council of said Municipality have issued the debentures authorized to be issued under said by-law and a large proportion of the said money to be raised by the sale of said debentures is now due and owing by said Municipality :

That doubts have arisen as to the validity of said by-law and, owing to the existence of such doubts, the purchaser of said debentures refuses to complete his contract for the purchase of said debentures :

Wherefore the said Mayor and Council pray that an Ordinance may be passed legalizing and confirming said by-law and the debentures issued thereunder.

And whereas it is expedient to grant the prayer of said petition ;

Therefore the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of

the Territories, enacts as follows :—

1. The said by-law of the Municipality of the Town of Moose Jaw entitled "By-law No. 116, a By-law of the Town of Moose Jaw to raise by way of loan the sum of \$5,000," and all debentures now issued or that may hereafter be issued under, and in pursuance of said by-law, are and the same are hereby declared to be legal, valid and binding upon the said Municipality of the Town of Moose Jaw, any Law, Statute or Ordinance to the contrary notwithstanding and notwithstanding any omission or defect in point of form or otherwise howsoever in the said by-law or in the passing or promulgation thereof or in the said debentures or any of them.

By-laws and  
debentures  
declared valid

2. Notwithstanding anything in said by-law contained, the Council of said Municipality of the Town of Moose Jaw shall raise, levy and collect in each year hereafter during the continuance of said by-law upon the rateable property in the said Municipality a sum sufficient to pay the annual instalments and the interest upon said loan.

Rates to be  
levied not-  
withstanding  
By-law

NO. 42 OF 1894.

AN ORDINANCE RESPECTING THE GENERAL  
TRUST CORPORATION OF CANADA.*[Assented to 7th September 1894.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

Corporation  
may be ap-  
pointed trustee

1. The Supreme Court of the North-West Territories, or any Judge thereof, having power to appoint such an officer, may, with the consent of the General Trust Corporation of Canada (hereinafter called the Corporation) appoint the said Corporation to exercise any of the offices of executor, administrator, trustee, receiver, assignee, liquidator, sequestrator, curator, guardian of a minor, or committee of a lunatic, or to perform any of the duties appertaining to any of such offices in respect of any estate, matter, or proceeding under the authority of such Court or Judge.

no security  
required

2. Notwithstanding any rule of practice or any provisions of any Ordinance requiring security, it shall not be necessary for the said Corporation to give any security for the due performance of its duty in any of the said offices, but in lieu thereof such Court or Judge, if it or he deems necessary, may from time to time require the Corporation to render an account of its administration of the particular trust or office to which it has been so appointed, and may from time to time appoint a suitable person to investigate the affairs and management of the Corporation as to the security afforded to those by or for whom its engagements are held, and such person shall report thereon to such Judge or Court, and the expenses of such investigation shall be borne as may be ordered by such Court or Judge.



3. The Lieutenant-Governor-in-Council may revoke the privilege dispensing with security as mentioned in Section 2 of this Ordinance and the said Court shall not, nor shall any Judge thereof, after notice of such revocation appoint the Corporation to any of the said offices unless it gives the like security for the due performance of its duty as would be required from a private person.

Lt. Gov. may  
require secu-  
rity

4. The liability of the Corporation to persons interested in an estate or property held by the said Corporation in any such office as aforesaid shall be the same as if the estate or property had been held by any private person in such capacity respectively, and its powers shall be the same.

Liability of  
Corporation

5. The said Court, or any Judge thereof, may by order made with the consent of the said Corporation direct that any money held by such Court, or under its control, be deposited with the said Corporation, upon such terms as to the payment of interest thereon, and otherwise as may be provided in and by such order, and in such event the Corporation may invest the same in any of the securities mentioned in such order or as are specified in Section 5 of its Act of Incorporation but in no others, and the provisions of Sections 6 and 7 of the said Act shall apply to this Ordinance.

Deposit or In-  
vestment of  
Funds in  
Court

6. The said Corporation may validly exercise within the Territories all or any of the powers mentioned in its said Act of Incorporation or any amendment thereof subject to the obligations therein provided.

Exercise of  
Powers

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